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I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

Interconnection of business registers

P7_TA(2010)0298

European Parliament resolution of 7 September 2010 on the interconnection of business registers (2010/2055(INI))

(2011/C 308 E/01)

The European Parliament,

- having regard to the Commission Green Paper of 4 November 2009 on the interconnection of business registers (COM(2009)0614) and the progress report accompanying it,
- having regard to First Council Directive 68/151/EEC of 9 March 1968 on coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, with a view to making such safeguards equivalent throughout the Community ⁽¹⁾, as amended by Directive 2003/58/EC of the European Parliament and of the Council of 15 July 2003 ⁽²⁾,
- having regard to Eleventh Council Directive 89/666/EEC of 21 December 1989 concerning disclosure requirements in respect of branches opened in a Member State by certain types of company governed by the law of another State ⁽³⁾,
- having regard to Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC ⁽⁴⁾,
- having regard to Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies ⁽⁵⁾,
- having regard to Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company (SE) ⁽⁶⁾,
- having regard to Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE) ⁽⁷⁾,

⁽¹⁾ OJ L 65, 14.3.1968, p. 8.⁽²⁾ OJ L 221, 4.9.2003, p. 13.⁽³⁾ OJ L 395, 30.12.1989, p. 36.⁽⁴⁾ OJ L 390, 31.12.2004, p. 38.⁽⁵⁾ OJ L 310, 25.11.2005, p. 1.⁽⁶⁾ OJ L 294, 10.11.2001, p. 1.⁽⁷⁾ OJ L 207, 18.8.2003, p. 1.

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- having regard to its resolution of 18 December 2008 with recommendations to the Commission on e-Justice ⁽¹⁾,
 - having regard to its resolution of 22 April 2009 on the effective enforcement of judgments in the European Union: the transparency of debtors' assets ⁽²⁾,
 - 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 Internal Market and Consumer Protection (A7-0218/2010),
- A. whereas business registers examine, register and store company information about such matters as a company's legal form, seat and capital, the appointment, termination of office, powers and particulars of its legal representatives, the accounting documents for each financial year, and, where appropriate, the company's winding-up, and make that information available to the public,
- B. whereas business registers in the EU operate on a national or regional basis and store only information about companies which are registered in the area for which they are responsible,
- C. whereas there is an increasing demand for access to information about companies in a cross-border context, either for commercial purposes or to facilitate access to justice; whereas it is essential for creditors and enforcement authorities to have reliable and up-to-date information about debtors and their assets; whereas there is a necessity to disclose particular details in order to ensure that employees' rights laid down in European company law are respected,
- D. whereas the fact that business registers are not yet interconnected causes economic losses and problems for all stakeholders – not only companies but also their employees, consumers and the public – especially in terms of transparency, efficiency and legal certainty; whereas facilitated access to reliable and updated information on companies from all the Member States across borders increases transparency and legal certainty in the internal market and can restore trust in the markets following the financial and economic crisis,
- E. whereas since 1 January 2007 the information contained in business registries has been stored electronically and is accessible on-line in all Member States; whereas, although the relevant business information is available on-line, register standards differ and stakeholders have to deal with different languages, search conditions and structures,
- F. whereas the content, meaningfulness and legal significance of individual registers tends to differ, and whereas this could have legal consequences that could vary from Member State to Member State,
- G. whereas a single access point to business information relating to all European companies would save time and cost; whereas in order to achieve this aim the mandatory participation of all Member States in this access point should be considered,
- H. whereas this single access point should provide high-quality information from all Member States; whereas this information should be reliable, kept up to date and provided in a standard format and in all EU languages; whereas this single access point should be actively followed up by the Commission,

⁽¹⁾ Texts adopted, P6_TA(2008)0637.

⁽²⁾ Texts adopted, P6_TA(2009)0238.

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- I. whereas in its flagship initiative ‘An industrial policy for the globalisation era’ contained in its communication entitled ‘Europe 2020: a European strategy for smart, sustainable and inclusive growth’, the Commission undertakes to ‘improve the business environment, especially for SMEs, including through reducing the transaction costs of doing business in Europe’,
- J. whereas on 25 and 26 May 2010 the Council adopted conclusions that rightly underline the importance of data quality and the need for access to information to be simplified in order to enhance stakeholders’ trust and the success of activities within the internal market, as well as the need for all the Member States to be involved in ensuring centralised access to information,
- K. whereas cooperation between business registers is essential in the case of cross-border mergers, seat transfers or cross-border insolvency proceedings; whereas cooperation is explicitly required by several company-law instruments, such as Directive 2005/56/EC, Regulation (EC) No 2157/2001 and Regulation (EC) No 1435/2003,
- L. whereas the disclosure requirements for foreign branches laid down by Eleventh Company Law Directive 89/666/EEC mean that in practice cooperation between business registries is essential; whereas that cooperation should not be confined to the time when a branch is opened, but should also extend to ensuring that the relevant information is correct and updated in order to avoid discrepancies between the contents of the register containing the branch’s details and those of that containing the parent company’s details,
- M. whereas once the Statute for a European Private Company (COM(2008)0396) is adopted the number of cases that require cross-border cooperation may increase significantly,
- N. whereas several mechanisms for cooperation between business registers are already in place, such as the European Business Register (EBR), the Business Register Interoperability Throughout Europe (BRITE) project and the Internal Market Information System (IMI); whereas the EBR and BRITE are voluntary, and therefore not all Member States participate in them; whereas, furthermore, BRITE is only a research project,
- O. whereas in its resolution of 18 December 2008 Parliament welcomed the idea of creating an e-Justice portal; whereas the European e-Justice action plan for 2009-2013 provides for the integration of the EBR into the European e-Justice portal,
1. Believes that the project’s usefulness for the further integration of the European economic area can be exploited only if all Member States take part and takes the view that to this end mandatory participation of all Member States should be taken into consideration;
2. Takes the view that the EBR initiative and the BRITE project should be pursued first, and considers that participation should be made compulsory; insists on the importance of the IMI for enhanced implementation of internal market legislation, as it has already proved to be a successful instrument with regard to the implementation of the Professional Qualifications Directive ⁽¹⁾ and the Services Directive ⁽²⁾; recalls that all Member States already use IMI and that it could be extended to a wider range of procedures without incurring significant investment by the Member States;
3. Points out that register data are not comparable with data of a purely economic nature; believes, for this reason, that public access to reliable, up-to-date information should be provided via an official single access point; points out that this will improve transparency, efficiency and legal certainty, to the benefit of companies and their workers, consumers and the system as a whole;

⁽¹⁾ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

⁽²⁾ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

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4. Calls on the Commission to work towards integrating all the Member States into this future single information access point by providing expertise and additional resources; asks the Commission to examine the advantages and disadvantages of mandatory membership of this new single information access point for all Member States;
5. Points out that the significance of the data held in different business registers can vary and that this can in turn have legal consequences, not only for companies but also for their workers and for consumers, that may vary from Member State to Member State;
6. Considers that information about company registration is also of importance to employees, in particular in companies where European company law – i.e. Regulation (EC) No 2157/2001, Regulation (EC) No 1435/2003 and Directive 2005/56/EC – applies; considers that this information is also of importance in the light of the provisions of Directive 2003/72/EC⁽¹⁾ and Directive 2001/86/EC⁽²⁾, which provide for the preservation of employees' pre-existing participation rights in the resulting companies;
7. Emphasises, therefore, the importance of informing users accessing register data that the legal significance of and obligations relating to that data may vary from Member State to Member State;
8. Points out, with regard to the relationship between main offices and branches, that more automated interconnection would facilitate the exchange of entries;
9. Is aware that the content of entries is not always sufficiently consistent;
10. Believes that it is essential for the proper functioning of the internal market to make official and reliable information about companies trading in the EU available to the public; welcomes in this context the Commission Green Paper on the interconnection of business registers;
11. Notes that greater transparency in the internal market could lead to increased cross-border investment;
12. Is convinced that better and easier access to information is necessary in order to assist small and medium-sized enterprises, which are a key element in the backbone of the European economy and the main motor for creating jobs, economic growth and social cohesion in Europe, as it helps to lighten the administrative burdens of such enterprises;
13. Stresses that easy access to reliable data concerning mergers, seat transfers or other cross-border procedures is indispensable for European companies and will further boost competitiveness in the internal market and make it work more smoothly by reinforcing its main freedoms, i.e. the free movement of funds, services and individuals;
14. Believes that any strategy for exiting the crisis and improving the operation of the single market must involve greater transparency and cooperation in cross-border mechanisms, which will boost the confidence of Europe's 500 million consumers;
15. Acknowledges the efforts made within the different cooperation mechanisms and initiatives;

⁽¹⁾ Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees (OJ L 207, 18.8.2003, p. 25).

⁽²⁾ Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees (OJ L 294, 10.11.2001, p. 22).

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16. Stresses, however, that further steps need to be taken and that market transparency requires, on the one hand, that the data contained in the business registries of the 27 Member States should be easy to access via a single access point that is actively followed up and, on the other hand, that they should be reliable, kept up to date and provided in a standard format and in all EU official languages; believes that it should first be evaluated to what extent this would cause additional translation costs and that, to this end, the mandatory participation of all Members States should be considered;
17. Calls for effective ways of publicising the existence of this single access point to be guaranteed so that all stakeholders can use it to obtain clear and reliable information on European companies;
18. Points out that the High Level Group of Independent Stakeholders on Administrative Burdens (Stoiber Group) has shown that facilitating cross-border electronic access to business information could generate annual savings of more than EUR 160 million;
19. Stresses the importance of access to information on European companies, especially in the light of the Services Directive and the pending Statute for a European Private Company;
20. Points out, however, that the steps taken should not impose additional administrative burdens on companies, particularly SMEs;
21. Looks forward to the launch of the e-Justice portal, which must be accessible to individuals, businesses, legal practitioners and the judiciary and must be user-friendly; supports the idea of integrating the EBR into that portal;
22. Stresses the importance of further merging of BRITE, IMI and EBR data and systems in order to put in place a single information access point for internal market stakeholders and consumers, reducing the costs of transactions for both producers and consumers by concentrating information in one place and thus boosting cross-border commerce, especially cross-border electronic commerce, and economic growth in the Union;
23. Supports the establishment, in the meantime, of compulsory mechanisms for cooperation between registries, in particular in connection with regularly updating the data required to be disclosed in respect of foreign branches; recommends that practical questions involving cooperation should be clarified in an administrative agreement between the Member States and/or their business registers;
24. Considers that linking the network of business registers to the electronic network created under the Transparency Directive will provide easy access to legal and financial information about listed companies, as well as added value for investors;
25. Insists that any European solution must guarantee members of the public and companies adequate protection for personal and commercial data in order to prevent the misuse of such data and to guarantee the legal safety of sensitive data;
26. Stresses that any integrated European solution must in particular take account of the extent to which national registers or existing European registers covering some sectors of the economy could be closed down, adapted or merged in order to prevent duplication of work, in keeping with the objective of cutting red tape and ensuring clarity and simplicity;
27. Instructs its President to forward this resolution to the Council and the Commission.
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Developing the job potential of a new sustainable economy

P7_TA(2010)0299

European Parliament resolution of 7 September 2010 on developing the job potential of a new sustainable economy (2010/2010(INI))

(2011/C 308 E/02)

The European Parliament,

- having regard to the Commission communication entitled 'Europe 2020: A European strategy for smart, sustainable and inclusive growth' (COM(2010)2020),
- having regard to the Commission communication entitled 'Mainstreaming sustainable development into EU policies: 2009 Review of the European Union Strategy for Sustainable Development' (COM(2009)0400),
- having regard to the Commission proposal for a Council Decision on guidelines for the employment policies of the Member States, Part II of the Europe 2020 Integrated Guidelines (COM(2010)0193),
- having regard to Regulation (EC) No 106/2008 of the European Parliament and of the Council of 15 January 2008 on a Community energy-efficiency labelling programme for office equipment ⁽¹⁾,
- having regard to Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings ⁽²⁾,
- having regard to Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC ⁽³⁾,
- having regard to the Commission White Paper entitled 'Adapting to climate change: Towards a European framework for action' (COM(2009)0147) and its resolution thereon of 6 May 2010 ⁽⁴⁾,
- having regard to the Commission communication entitled 'Greening Transport' (COM(2008)0433),
- having regard to the Commission communication entitled 'Strategy for the internalisation of external costs' (COM(2008)0435),
- having regard to the Commission communication entitled 'An Energy Policy for Europe' (COM(2007)0001),
- having regard to the conclusions of the European Council of 10/11 December 2009, in particular points 21-24,
- having regard to the Council Presidency Report on the 2009 Review of the EU Sustainable Development Strategy ⁽⁵⁾,

⁽¹⁾ OJ L 39, 13.2.2008, p. 1.

⁽²⁾ OJ L 153, 18.6.2010, p. 13.

⁽³⁾ OJ L 140, 5.6.2009, p. 16.

⁽⁴⁾ Texts adopted, P7_TA(2010)0154.

⁽⁵⁾ Council document 16818/09, 1.12.2009.

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- having regard to the United Nations Framework Convention on Climate Change (UNFCCC) and to the Kyoto Protocol to the UNFCCC,
- having regard to the 2007 IPCC document entitled 'Climate Change 2007: Synthesis Report, Contribution of Working Groups I, II and III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change',
- having regard to the 2006 Stern Review Report on the Economics of Climate Change,
- having regard to the 2008 UNEP, ILO, IOE and ITUC Green Jobs Initiative entitled 'Green Jobs: Towards Decent Work in a Sustainable, Low-Carbon World',
- having regard to the ILO background note entitled 'Global Challenges for Sustainable Development: Strategies for Green Jobs' submitted to the G8 Labour and Employment Ministers Conference held in Niigata, Japan, from 11 to 13 May 2008,
- having regard to the OECD's 'Declaration on Green Growth', adopted at the Council Meeting at Ministerial Level held on 25 June 2009, and its ongoing Green Growth Strategy,
- having regard to the 2009 Greenpeace and European Renewable Energy Council (EREC) report entitled 'Working for the climate: renewable energy and the green job revolution',
- having regard to the 2007 European Trade Union Confederation (ETUC) and Social Development Agency (SDA) report on 'Climate Change and Employment: Impact on employment in the European Union-25 of climate change and CO₂ emission reduction measures by 2030',
- having regard to Ruhr Economic Papers 156 'Economic impacts from the Promotion of Renewable Energy Technologies, The German Experience',
- having regard to CEPOS publication 'Wind Energy, the case of Denmark',
- having regard to the Universidad Rey Juan Carlos publication 'Study of the effects on employment of public aid to renewable energy sources',
- having regard to the Commission Communication of 14 December 2007 on pre-commercial procurement (COM(2007)0799),
- having regard to the Commission's 'Employment in Europe 2009' report, in particular Chapter 3: Climate change and labour market outcomes,
- having regard to the Commission communication entitled 'A European Economic Recovery Plan' (COM(2008)0800) and its resolution thereon of 11 March 2009 ⁽¹⁾,
- having regard to the Commission communication entitled 'Driving European recovery' (COM(2009)0114),
- having regard to the European social partners' joint analysis, entitled 'Key challenges facing European labour markets', of 18 October 2007,

⁽¹⁾ Texts adopted, P6_TA(2009)0123.

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- having regard to the European social partners' 2002 'Framework of actions for the lifelong development of competencies and qualifications',
 - having regard to the Commission communication entitled 'New Skills for New Jobs - Anticipating and matching labour market and skills needs' (COM(2008)0868), and the report by the Expert Group on 'New Skills for New Jobs: Action Now' of February 2010,
 - having regard to the European Centre for the Development of Vocational Training (CEDEFOP) 2009 research paper entitled 'Future Skills Needs for the Green Economy',
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinions of the Committee on Economic and Monetary Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy, the Committee on Regional Development and the Committee on Women's Rights and Gender Equality (A7-0234/2010),
- A. whereas, in 2009, the European Council confirmed that sustainable development is a key objective of the Lisbon Treaty; whereas the guidelines of the EU sustainability strategy include the combined consideration of economic, social and ecological interests, intensifying social dialogue, greater social responsibility for companies and the precaution and polluter pays principles,
- B. whereas the promotion of a social, resource-efficient, ecological and competitive economy is one of the focuses of the Europe 2020 strategy,
- C. whereas industrialised countries should according to the Copenhagen Accord reduce their carbon dioxide emissions by 80-90 % of the 1990 level by 2050,
- D. whereas the impact of climate change in Europe varies from one region to another; whereas according to a Commission study ⁽¹⁾ the regions in southern and eastern Europe, where more than one third of the European Union's population lives, are particularly exposed to the pressure of climate change, whereas the most vulnerable population groups are those worst affected, and whereas greater regional and social imbalances may develop as a result,
- E. whereas the change towards a more sustainable economy has different positive effects on different sectors, namely, whereas jobs are created, replaced, or partially cease to exist; whereas all jobs should be adapted to sustainable, resource-efficient production and working methods, and the greatest need for adaptations therefore arises in existing employment relationships, with flexible employment relationships being desirable,
- F. whereas figures in the Green Paper on Demographic Change (COM(2005)0094) show that the working age population of the EU will fall by 20.8 million (6,8 %) between 2005 and 2030 and whereas the number of people aged over 60 is now increasing twice as fast as it did before 2007 – by about two million every year compared to one million previously,
- G. whereas this change has the potential to stabilise employment and to increase the number of jobs, with considerable spill-over effects, whereas, where reliable framework conditions have been introduced, a constant rise in employment possibilities and job security can be noted, which is stabilised by increasing exports,

⁽¹⁾ Commission staff working paper entitled 'Regions 2020 – An Assessment of Future Challenges for EU Regions', November 2008, available at:
http://ec.europa.eu/regional_policy/sources/docoffic/working/regions2020/pdf/regions2020_en.pdf.

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- H. whereas the necessary economic growth and resulting employment gains in an innovation-based economy cannot be achieved unless European researchers and businesses are able to convert their research results into commercial products, whereas the Commission's Innovation Scoreboard shows an innovation gap of 30 % with the USA and 40 % with Japan,
- I. whereas in some new sectors social dialogue structures do not yet exist; whereas there are cases of new sectors where collective agreements do not exist, or existing ones are not applied, and sector-specific codes do not exist either; whereas all sectors are subject to great pressure to increase their competitiveness, whereas, in regions with high unemployment, the pressure to accept poor working conditions is high,
- J. whereas a long-term job insecurity has developed in the EU labour market over the last two decades, with young people especially tending increasingly to work on short-term contracts with poorer working conditions, whereas new jobs created under these circumstances cannot be regarded as sustainable, whereas these structural deficiencies need to be addressed in the context of seeking to develop the job potential of a new sustainable economy,
- K. whereas the transition towards a new sustainable economy should not be a pretext for excluding the most vulnerable and least qualified workers from the employment market, whereas, therefore, there is a need to avoid the 'cream-skimming' effect of which the least qualified workers would be the first victims,
- L. whereas gender equality is an objective of the Lisbon Treaty and one of the Millennium Development Goals; whereas women are underrepresented in various sectors, and can therefore not profit from the increase in jobs in the new sustainable economy to the same extent,
- M. whereas a new economy will take shape in an ageing society with a shrinking workforce, making it necessary to attract more women to perform paid labour by adapting work organisation and preparing employers in all sectors for a more diverse workforce,
- N. whereas, according to recent studies, the presence of women at all levels of responsibility provides added value for companies, in particular with regard to their economic performance,
- O. whereas women secure most of the university degrees in the EU and are in the majority on business, management and law courses, but remain in the minority in positions of responsibility in companies and public bodies,
- P. whereas, notably because of the sexist stereotypes that exist in education and in society, women are under-represented in fields that are wrongly considered to be 'male', such as information technology, engineering, physics, and technical occupations such as mechanics and bricklaying,
- Q. whereas unemployment is rising among older workers, who face a particularly acute problem of social exclusion after the age of 55, and despite the progress made in the past decade only a little more than a third of women between the ages of 55 and 64 had a job in 2008, while 55 % of men in that age group were in work,

Job strategy for a new sustainable economy

1. Views sustainable development as being based on a long-term vision in which economic growth, social cohesion and environmental protection go hand in hand and are mutually supportive; draws attention to the potential represented by the creation of 'green jobs' in a sustainable economy;

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2. Considers the post-crisis economy to be a strong opportunity for sustainable growth based on social justice and eco-efficiency; notes that the transformation of European economies from polluting to eco-efficient economies will lead to profound changes in production, distribution and consumption, which should be used as a chance to move towards true sustainability without endangering prosperity or jobs; believes that the transition to an economy based on non-polluting energy sources needs to be seen as an opportunity for investment in sustainable development and not merely as a burden on public and private budgets;
3. Emphasises the importance of measures to promote growth and employment in the countryside, so as to stem rural depopulation;
4. Notes that there is a need to make production of goods and services more sustainable; notes that investments in a new sustainable economy bear potential for growth in the employment market and new income opportunities; notes that the positive balance takes losses in some sectors into account, and that re-skilling and retraining should therefore be stimulated;
5. Is of the opinion that the current global economic and social crisis, which has slowed down changes in energy use and reductions in carbon emissions, should not deter Member States from making the transition towards a competitive, more sustainable, low-carbon, resource-efficient economy, given that this will make them more resilient, less dependent on increasingly expensive imports and more competitive;
6. Believes that more should be done to internalise external costs; calls on the Commission to use existing policy tools – or develop new tools if necessary – to attribute costs, and to ensure that future policy proposals reflect its findings;
7. Believes that a new sustainable economy for the EU must ensure balanced economic and social development; calls for an ambitious sustainable industrial policy, with an emphasis on resource efficiency; stresses that the green economy needs to offer prospects for decent, well-paid jobs, with the focus on the protection of the environment;
8. Is firmly convinced that market-economy based environmental policy can become the engine of growth and employment in all branches of the economy, and stresses that predictable, investment-friendly framework conditions are the basis that will allow innovative businesses to make the best possible use of these opportunities for the benefit of the environment and of employees;
9. Calls for industry to be involved in eco-innovation, since entrepreneurs have a very important role to play in spreading eco-innovation more widely; notes, in this regard, that informing entrepreneurs – by demonstrating new business opportunities – will be crucial to the success of a strategy aimed at developing resource-efficient economies and sustainable industries;
10. Supports the Commission's flagship initiative under the Europe 2020 strategy to make the change towards a sustainable economy now, to make economic growth less dependent on consumption of resources and energy, to reduce climate-damaging emissions and thus to act against global warming; welcomes the intention to align legal framework conditions, market economy incentive instruments, subsidies and public procurement with that objective; regrets, however, that, with the EU 2020 Strategy, the Commission misses the opportunity to address the labour market potential of a sustainable economy;
11. Notes that, in order to reach the EU 2020 strategy's employment targets and use the job potential of a new sustainable economy and to improve the sustainability of production of goods and services, there is a need to increase the energy efficiency of housing and construction, the share of renewable energies, environment technologies, sustainable transport and mobility, sustainable agriculture, forestry and fishery and advice through environmental services, as well as recycling, low-resource production processes and closed-loop material cycles; notes that the service sector and the social economy sector also bear considerable green employment potential;

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12. Stresses the importance of the public sector leading by example, adopting progressive procurement standards and providing incentives and information, especially in the areas of energy, construction of infrastructure and facilities, transport and communications, for creating jobs with rights; calls on the Commission and the Member States to promote, particularly in pre-commercial procurement, the inclusion of environmental and social standards, in addition to promoting local content clauses and enterprises operating in a sustainable and inclusive economy, especially SMEs;

13. Urges the Member States to exchange experience and best practice in the field of employment opportunities when dealing with the economic, social and environmental impact of climate change;

14. Is convinced that green sustainable jobs must not be a mere appendage, but that business and society as a whole must be sustainably organised; is aware that there is no branch of the economy that can be separated off and called 'environmental protection' or the 'environment industry', since the activity of environmental protection ties in with many traditional sectors such as the manufacturing industries, the construction industry and the service industries; calls, therefore, for the adoption, as a working definition, of the ILO's definition, according to which all jobs which promote sustainable development are green sustainable jobs; points out that the definition includes, firstly, jobs which directly reduce consumption of energy and resources, protect ecosystems and biodiversity and minimise waste production and air pollution and, secondly, all jobs which reduce the environmental footprint; recognises that, owing to the relative nature of the definition, the job potential cannot be definitively determined;

15. Takes the view that significantly more research is needed to measure the impact of environmental and climate change policies on net employment creation; calls on the Commission to make this area a priority under the 8th Framework Programme;

16. Stresses that all jobs are committed to the objective of promoting sustainable development and that production and working methods should be organised so as to be as resource, material and energy efficient as possible; stresses that this approach should apply to the entire supply chain and that there is no sense in making a separation into good and bad industries, but all industries can be made more sustainable;

17. Considers it very important that a new Community framework have a sufficient budget to support public research and make research results accessible in a simple and unbureaucratic way so that all companies, including micro-enterprises and SMEs, can make changes with respect to energy efficiency, the use of new energy sources, new production processes and recycling and the better use of resources, and create jobs with rights;

Optimising employment potential

18. Calls for the development of a European job strategy for a sustainable economy as part of the EU 2020 strategy, aiming at optimising job potential whilst paying special attention to decent work, employees' health and safety, skills needs and a socially just transition; stresses that a sustainable economy has to combine social, technological, economic and ecological sustainability; stresses that a sustainable employment strategy such as this should be one of the central components of the employment policy guidelines;

19. Recommends that the regional authorities adopt development strategies in line with the objectives of the EU 2020 Strategy with the aim of creating new jobs in a sustainable economy;

20. Calls on the Commission to propose, by 2011, a strategy including legislative and non-legislative measures to encourage green jobs that are a source of growth and prosperity for all;

21. Stresses that European businesses' powers of innovation have made them into world leaders in the area of environmental protection; is concerned, however, that manufacturing activities are still being extensively relocated from the EU to third countries which have much lower environmental standards; calls on the Commission and the Member States to combat this phenomenon promptly and vigorously by working on a worldwide, multilateral approach which ensures that global competition is based on comparable requirements;

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22. Underlines that a stable, long-term, ambitious regulatory framework is a prerequisite for achieving the full potential of green employment; calls on the Commission and Member States to determine environmental standards and financial incentives creating reliable framework conditions for at least 10 years, and thereby creating legal and planning certainty; demands that existing financial instruments should be used to promote sustainability and that increasing sustainability of economic activity and production should be inserted into the financial perspective of various funds, including the Structural Funds and the Cohesion Fund, as one of the promoted objectives;

23. Stresses, in this connection, the importance of the concept of integrated urban development and that a sustainable redevelopment of disadvantaged urban areas could assume a beacon role; considers that a prerequisite for this is a clear policy framework, including maintenance of the promotion of the urban dimension in the Structural Funds;

24. Notes the need for funding within existing programmes to carry out targeted studies in the most disadvantaged regions of the EU, so as to set strategic objectives and determine the type of measures required to establish favourable conditions for the development of sustainable local economies, with the specific objectives of creating new green jobs and integrated measures to attract new green companies and support those which already exist;

25. Stresses that targeted investment for the ecological transformation of the EU's disadvantaged regions is one of the most useful instruments for achieving the strategic objectives of regional convergence and territorial cohesion;

26. Stresses the importance of the European Regional Development Fund (ERDF) for regional clustering by bringing together research, innovation and infrastructure locally in the context of new technologies, such as renewable energy and energy efficiency; further underlines that, especially in urban areas, regional and local authorities are the best positioned and most capable of creating the conditions necessary for the growth of clusters of innovative enterprises; points out that such clustering can act as a decisive spur to local economic development and can create new jobs in the regions;

27. Is aware of the fact that EU, national and regional funding schemes remain highly uncoordinated, and therefore underlines the need for better multilevel coordination between the programmes and support for more synergy between different common policies using structural, agricultural and rural development funds, the research framework programme and the Competitiveness and Innovation Framework Programme (CIP) to be devised to achieve a sustainable, resource-efficient economy; believes, as regards funding under the Common Agricultural Policy, that further consideration should be given to a greater shift from direct support mechanisms to rural development and the development of environmentally sustainable agriculture;

28. Calls again upon the Commission and Member States to capitalise on the success of the Reconstruction Fund and to set up a new Community initiative, including pilot projects, for reconstruction towards a new sustainable economy;

29. Notes that paragraph 8 of the Council conclusions of 21 October 2009 invites the Commission to undertake an urgent sector-by-sector review of subsidies which have an adverse environmental impact and are incompatible with sustainable development; calls on the Commission to act on those conclusions immediately, examining means of redeploying those subsidies within the budget in support of new activities related to the sustainable economy;

30. Calls for efficient funding systems and fiscal incentives to help SMEs steer towards green employment policies and ensure green innovations and production;

31. Takes the view that existing and proposed EU environmental legislation has significant potential to create new jobs in areas such as air, soil, water, energy, public services, agriculture, transport, forestry, and environmental management; calls on the Member States to implement EU legislation which could lead to new investment in eco-friendly technologies and jobs;

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32. Recalls that public procurement constitutes a large share of the market and could provide significant incentives for greening the economy; calls, therefore, for all public procurement to require high environmental standards;

33. Calls on the EU and the Member States to anticipate change, i.e. to overcome information failures and uncertainties and foster awareness, social learning processes and changes in consumption patterns; states that incentives are needed for companies to invest more in clean technologies and that workers are more willing to face change if the changes lead to more employment opportunities and a safety net is provided for employees;

34. Stresses that the need to develop the potential for quality jobs offered by a new sustainable economy means that innovation must be targeted on finding solutions to the major challenges facing society, including unemployment and poverty, climate change, the ageing of the population and scarcity of resources; draws attention to the relevance of industrial and research policies based on open innovation and clusters, in order to promote the pooling of knowledge by the different public and private economic operators and to stimulate innovation; to this end, calls on the Commission to develop a European Technology Platform for resource-light industries;

35. Recommends that, if a Member State decides to subsidise, for example, the increase of wind, bio- or solar energy production, the level of subsidies be based on scientific evaluation of empirical data and that the subsidies provide reasonable investment perspectives and security to possible investors and calls for careful consideration of factors such as the increase in net jobs created through subsidies, price of energy, net influence on emissions of green house gases and other pollutants, and thus aim to optimise the increase of sustainability;

36. Notes that there is no uniform understanding which technological choices are environmentally, economically or socially most sustainable in the global competitive situation; notes that many variables have to be taken into account when comparing, for example, the sustainability of the production of energy using windmills, solar PV-panels, burning coal with carbon capture and storage, nuclear reactors or some other technologies; therefore calls for more scientific study on the subject comparing whole life-cycles of production and calls for all production processes to be made more resource-efficient;

Job potential for women and men in the new sustainable economy

37. Underlines that only by raising female participation in the European labour market can we fully utilise the growth potential and job potential in the new economy, since narrowing the gap between male and female employment rates has accounted for half the increase in Europe's overall employment rate and a quarter of annual economic growth since 1995, and since this is a prerequisite for ensuring sustainable growth and meeting the demands of the ecological transformation in an ageing society;

38. Calls for an EU initiative to raise awareness among employers, especially in traditionally male-dominated sectors, of the need for, and benefits of, a more diverse workforce in an ageing society and to offer them tools with which to prepare for more diversity;

39. Calls on the EU, the Member States and the social partners to fight discrimination and promote gender equality in a sustainable economy, create work environments that attract and retain women in these sectors, promote work-life balance through adequate, high-quality childcare and adaptable family-friendly workplace arrangements, create opportunities as well as conditions under which both men and women can participate in the labour market on equal terms, promote female participation in male-dominated representative bodies, reduce gender-based job segmentation and wage gaps;

40. Points out that investment in social infrastructure provides an opportunity to modernise Europe and promote equality, and can be seen as a parallel strategy to modernisation of the physical infrastructure through investment in green technologies; considers that gender equality should therefore be a policy priority and an essential tool;

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41. Underlines that a targeted effort to ensure women's access to education at all levels by combating sexist stereotypes, and to provide life-long-learning, is essential in order to break down gender segregation in the labour market; calls for the provision of adequate training in order to prevent the under-representation of female workers in green jobs, bearing in mind that a massive opt-out by women from science and technology would impede Europe's growth and sustainability and leave many talented and qualified young women on the margins of employment and economic certainty;

42. Calls for a specific EU initiative to attract girls to the MINT professions (mathematics, informatics, natural sciences and technology) and to combat the stereotypes that still dominate these professions; stresses that the role of the media and education is key in combating such stereotypes;

43. Stresses that young women, in the transition between school and work, should be guided towards apprenticeships, in which they are under-represented, this being promoted by means of joint planning between schools, universities and training agencies and/or firms, so that they acquire specific skills and capabilities – also at advanced and specialist levels – through work experience and by working on a regular, rather than a precarious, basis, and with the prospect of fulfilment;

44. Calls on the EU and the Member States to give higher priority to green jobs for women in the context of European Social Fund (ESF) programmes, taking into account of the fact that the ESF finances training projects in areas such as renewable energy and ecotourism; emphasises that greater efforts are needed to increase the rate of female participation in EFS-supported projects, which is currently below 10 %; calls for the introduction of gender budgeting in the ESF as well as in recovery plans and structural adjustment programmes to ensure that such programmes attract and integrate women equally;

45. Stresses that the transition to a new economy should not be used as a pretext for cutting various equal opportunities measures but should instead be regarded as a unique opportunity to improve women's participation in the EU labour market because this is a precondition for ensuring sustainable growth, the optimum development of job potential and strengthening competitiveness;

Decent work

46. Calls on the Commission, over and above the job potential for highly qualified employees, to pay special attention to the many jobs in the middle and lower qualification bands in the sustainable economy, as well as unskilled but specialized workers; calls on the Commission and the Member States to take particular account of this fact in the Employment Policy Guidelines; calls on the Member States to enhance the status of jobs in the middle and lower training bands and to ensure Decent Work in those jobs;

47. Stresses the need to pay special attention to decent work, skills needs and a socially just transition; calls on the Commission, the Member States and the social partners to ensure that an employment strategy for a sustainable economy benefits everyone across the EU; stresses the need to mainstream this strategy in all types of employment, be they high-, medium- or low-skilled; calls to increase education and research and development opportunities; calls, furthermore, for attention to be focused in the employment policy guidelines and the Commission's 'New Skills for New Jobs' programme, particularly on people furthest from the labour market, the most vulnerable, especially disabled people and low-skilled workers, as well as on protecting these people;

48. Takes the view that employment policy plays a central role in combating poverty and social exclusion, and consequently calls, in line with the ILO 'Decent Work' programme, for qualitatively good working conditions and remuneration that not only provides a decent living, but also guarantees an appropriate share of GDP;

49. Notes that, owing to the often lower level of organisation of employees and of employers in some new sectors, there is a risk of precarious employment relationships and poor working conditions; calls on the EU and Member States to create framework conditions for establishing representative bodies in new sectors; calls on the social partners to organise themselves and invites the Commission to promote EU-wide exchange of best practice examples, in particular on strengthening of information and consultation of workers and the establishment of European Works Councils;

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50. Notes that further efforts need to be undertaken in order to ensure the effective EU harmonisation of minimum requirements for the organisation of working time connected with workers' health and safety;

51. Calls on the Member States, in cooperation with the social partners, to draw up integrated plans for evaluating ecological transformation operations at both local and national levels; calls on the social partners to monitor employees' participation in the sustainable development strategy, proposing and then adopting policies to reinforce effective participation with regard to sustainable mobility for workers and green growth;

52. Calls on the social partners to embrace new sectors and develop strategies to include sector associations in the social partnership;

53. Calls on the EU and Member States to link public subsidies, as well as public procurement, more closely to minimum social standards at Member State level and to advance the creation of representative bodies of the social partners;

54. Points out that training and lifelong learning for employees affected by changes in a company's or industry's production processes also creates new jobs; calls on the EU to develop a framework for anticipating change and restructuring, in particular of production, providing the right for all affected workers to take part in training and lifelong learning schemes; calls on the Member States, employers and employees to recognise skills management, training and lifelong learning as a shared responsibility, as acknowledged in the social partners' 2002 framework agreement on lifelong learning; calls on the Commission to incorporate a ninth key competence relating to the environment, climate change and sustainable development – which is essential in a knowledge society – into the framework for lifelong learning; calls on the Member States to incorporate the concept of sustainability into basic training, education and lifelong learning;

55. Calls on the Commission, the Member States and the social partners to step up their efforts to deal effectively with the adverse effects of restructuring, both in the local economy and in employment. Underlines the need for the dissemination of guidelines on managing change and its social consequences;

Facing skills needs

56. Points out that the Member States must adapt their training and education systems and devise and implement targeted action plans for retraining workers in sectors which will be affected by the transformation of local economies towards a new sustainable economy, to ensure that they have access to new green sustainable jobs, to ensure that the workforce can adjust their skills to the labour-market needs of a more sustainable economy founded on competence-based training concepts; welcomes, in this context, the Commission's 'New Skills for New Jobs' initiative and acknowledges cooperation with the EU Member States as a step in the right direction; points out, however, that this initiative must be more closely linked to the objectives of the Council Decision on sustainable development and taken further with tangible measures both at EU level and in the EU Member States;

57. Underlines the need to reinforce the open method of cooperation and exchanges of best practice with regard to sustainable development, green jobs and lifelong learning, so as to ensure successful and effective management of the economy's transformation and, by extension, of the new training needs and adverse social consequences resulting from this kind of transition;

58. Calls on the Member States to combat discrimination on grounds of age and adapt the training offer and lifelong learning strategies to the requirements of older employees, in order to ensure high participation rates for workers over 55 years of age as well, including women over 55;

59. Calls on the EU and Member States to adopt detailed policies on innovation and creativity, in particular on education and training, including vocational education and training, as a basis for a green economy, competitiveness and prosperity;

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60. Notes that in times of crisis, it is essential to attract young people to the new type of green jobs and to ensure that skill programmes promote the access of young people to the labour-market, so that young people can profit from the job potential, to combat high unemployment among citizens under 25 years of age and in order to capitalise on the young generation's skills in using new technologies; regrets the fact that the EU 2020 flagship initiative 'Youth on the move' excludes young people who are not involved in higher education; stresses that, in order to make a real change, it needs to focus on the young people that have now the least opportunities and are at risk of poverty;

61. Calls on the Member States to devise, in cooperation with the social partners, and implement vocational guidance programmes for young people in science and technology disciplines to promote the development of a viable and sustainable economy, and information and awareness-raising measures in relation to ecological and environmental issues, both through the formal education system and in the framework of measures by local and regional authorities;

62. Calls on the Commission to work more closely with the Member States in order to draw up medium- and long-term forecasts regarding the skills required by the employment market and to encourage partnerships between universities and the business sector in order to foster the transition of young people to the employment market while helping to create a knowledge-based society, develop applied research and create better employment-market prospects for graduates;

63. Calls on the Member States as well as social partners to establish targets to achieve equal participation of women and men, to provide equal opportunities to education, training, targeted recruitment schemes, specialised apprenticeships and training initiatives for women, migrants, the long-term unemployed and other groups discriminated against by the employment market;

64. Encourages the Member States to use the European Globalisation Adjustment Fund to implement European objectives, to promote new skills, including for new sustainable 'green' high-quality jobs;

65. Calls on the responsible stakeholders to monitor employment with a view to making basic vocational training and lifelong learning more relevant; calls in this context on the Member States to assess the feasibility of Transition Funds to manage skills needs;

66. Calls on the EU and the Member States to make promotion of adaptability to a sustainable economy one of the objectives of the European Social Fund, in order to contribute to increasing sustainability of economic activities and infrastructure development;

67. Recalls that the sustainable dimension should not be restricted to training in environment-related jobs, but needs to be incorporated into all education and training programmes in order to promote a culture of sustainable development and environmental awareness;

68. Highlights the added value of life-long learning and calls on the Member States to conduct a thorough mapping of local potential in order to organise demand-driven training that matches available resources to actual needs and to re-establish the prestige of vocational secondary education by providing high-standard education, particularly in regions where local potential and traditional work areas require special skills and knowledge to be fully developed; calls on the Commission to provide the Member States with sufficient technical support on how to map local needs and notes that high-standard vocational secondary schools could help reduce graduate unemployment and lead to sustainable employment;

69. Stresses the importance of Member States using the European Social Fund to invest in skills, employment, training and retraining activities with a view to creating more and better jobs through national, regional and local projects; believes that the professional experience of older people may also make a contribution to these initiatives, bearing in mind the growing proportion of older people in the EU population; recommends that regional and local authorities should have appropriate, permanent contacts with the business environment, employers' organisations, trade unions and NGOs with a view to projecting the needs of the labour market in the medium and long term;

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70. Recognises the important role of local and regional authorities in education, which forms the basis for the acquisition of further, future-oriented skills, including through lifelong learning and retraining; points out that the general conditions governing education and the further training of young people, including school leavers with no qualifications, in many countries are the responsibility of the regional and local authorities; therefore encourages the regions to use the Structural Funds for educational infrastructure, especially in disadvantaged urban areas and regions and to make comprehensive and inclusive school education possible using this support; points to the significant (educational and training) potential offered by networking between local and regional authorities and firms and associations, in terms of creating sustainable jobs in the fields of local transport, urban mobility, education, and research and development, and placing emphasis on equal opportunities;

71. Notes the need for cooperation between the Member States, the social partners and tertiary education providers with a view to setting up undergraduate and postgraduate courses and to creating subject areas geared towards the ecological transformation of economies;

72. Believes that the demographic challenges require a broader strategy combining job creation and meeting new and emerging needs on the European labour market; considers that, in this respect, further progress must be made in improving the mobility of EU workers, including researchers and other professionals, with a view to achieving a Europe without barriers within the EU internal market;

Socially fair change

73. Notes that increasing sustainability of economic activities may involve changes in whole industrial sectors; calls on the EU and the Member States to take care to avoid social sacrifices in moving to a sustainable economy and to work towards framework conditions for a socially fair transformation which minimises the risks of change and optimises gains for all employees; emphasises that socially just transformation is a basic component of sustainable development and an essential prerequisite if people in Europe are to give transformation their support;

74. Stresses that the consequential costs of a lack of transformation management may be many times higher than anticipatory investments; calls on the Commission, the Member States and the social partners to confront the responsibilities of preventive transformation management together;

75. Underlines the need to integrate the sustainable economy in the framework of corporate and social environmental liability and the possibility of promoting a culture of sustainable development and a sustainable economy through training programmes in the context of corporate social responsibility;

76. Recalls that creating the necessary conditions for workers to undertake further training and adapt to new technologies, in order to prevent job losses, and the promotion of and support for collective agreements to anticipate change and avoid unemployment, together with the strengthening of social security, income support systems and proactive sectoral training initiatives, are crucial prevention measures;

77. Calls on the Commission to provide EU-level support for research into the careers of the future so as to prevent redundancies and retain jobs in the European Union;

78. Underlines the need for close and effective cooperation and complementarity between international organisations, and calls on the World Trade Organisation to take action concerning the social and environmental dimensions of investment and trade;

79. Recognises that NGOs and trade unions have an important role to play in developing green job potential, in terms of contributing to the decision-making process, as employers and in raising public awareness;

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80. Points out that those organisations that invest in eco-efficient practices will help create a better working environment for staff and employees, and may consequently be more productive; calls on the Member States to promote the European Eco-Management & Audit Scheme (EMAS) and to encourage all economic sectors to strive to achieve EMAS registration; calls on the Commission, the Member States and the social partners to include essential environmental issues in the social dialogue, at all levels of consultation, with emphasis on sectoral negotiations; emphasises that, in order for transition to be socially just, workers should have a participative partnership role to play in the process; calls for the involvement of employees' representatives in charge of greening the workplace, as defined by the ILO, according to national practices in order to make workplaces, companies and industries more sustainable; calls on the Member States and the social partners to cooperate in a structured manner with environmental stakeholders and experts, to make use of their advice in managing transition;

81. Calls on the EU, with the assistance of the social partners, to begin a systematic dialogue in its external relations, with a view to a similar approach to sustainable development in other parts of the world, so as to secure the same development conditions and ensure that industrial competitiveness is not at risk; considers that ensuring fair competition in sustainable manufacturing sectors will have a beneficial effect in terms of improving protection and working conditions for workers;

82. Calls on the Commission and the Member States to launch information and public awareness campaigns on developing green jobs in a sustainable economy;

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83. Instructs its President to forward this resolution to the Council and Commission, and to the Governments and Parliaments of the Member States.

EEA-Switzerland: Obstacles with regard to the full implementation of the internal market

P7_TA(2010)0300

European Parliament resolution of 7 September 2010 on EEA-Switzerland: Obstacles with regard to the full implementation of the internal market (2009/2176(INI))

(2011/C 308 E/03)

The European Parliament,

- having regard to the Free Trade Agreement of 22 July 1972 between the European Economic Community and the Swiss Confederation,
- having regard to the Agreement of 21 June 1999 between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, and in particular its Annex I on free movement of persons and Annex III on the recognition of professional qualifications,
- having regard to the Agreement of 25 June 2009 between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures,
- having regard to the Agreement of 21 June 1999 between the European Community and the Swiss Confederation on mutual recognition in relation to conformity assessment,

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- having regard to the Agreement of 21 June 1999 between the European Community and the Swiss Confederation on certain aspects of government procurement,
 - having regard to the Protocol of 27 May 2008 to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons regarding the participation, as Contracting Parties, of the Republic of Bulgaria and Romania pursuant to their accession to the European Union,
 - having regard to the Protocol of 26 October 2004 to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons regarding the participation, as Contracting Parties, of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic pursuant to their accession to the European Union,
 - having regard to the Agreement on the European Economic Area,
 - having regard to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (the ‘Services Directive’) ⁽¹⁾,
 - having regard to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications ⁽²⁾,
 - having regard to the European Economic Area Joint Parliamentary Committee Resolution adopted at the 33rd meeting of the EEA Joint Parliamentary Committee,
 - having regard to the European Economic Area Joint Parliamentary Committee Report on the Annual Report on the Functioning of the EEA Agreement in 2008,
 - having regard to the Swiss Foreign Policy Report of 2 September 2009,
 - having regard to the 25th EEA EFTA States Internal Market Scoreboard,
 - having regard to the Treaty on the Functioning of the European Union and in particular Article 217 giving the Union the right to conclude international agreements,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A7-0216/2010),
- A. whereas the four European Free Trade Association (EFTA) Members States (Iceland, Lichtenstein, Norway and Switzerland) constitute major trade partners of the European Union (EU), Switzerland and Norway being respectively the fourth and the fifth most important EU trade partners by volume,
- B. whereas relations between the EU and three EFTA Member States (Iceland, Lichtenstein and Norway) are based on the European Economic Area (EEA) which provides for full participation in the internal market with the EEA Agreement managed and monitored in a highly institutionalised framework,

⁽¹⁾ OJ L 376, 27.12.2006, p. 36.

⁽²⁾ OJ L 255, 30.9.2005, p. 22.

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- C. whereas Switzerland's participation in the EEA agreement was contested by a popular vote in 1992 and therefore relations between Switzerland and the EU are currently based on more than 120 bilateral and sectoral agreements that provide for a far-reaching degree of integration but not full participation in the internal market,

Introduction

1. Considers the EEA agreement as a key driver for economic growth; welcomes the overall good track record of the EEA EFTA States in implementing internal market legislation, as demonstrated by the EEA EFTA States Internal Market Scoreboard; notes that relations between the EU and Switzerland pose far more challenges as far as the implementation of the Free Movement of Persons Agreement (FMPA) is concerned;

2. Notes that bilateral agreements do not establish any automatic mechanism for adaptation of their content to the later evolution of the relevant *acquis*; recognises that autonomous adaptation of national law to EU law in the areas covered by bilateral agreements results from the sovereign decision of the Swiss people not to join the EEA, which should be fully respected;

Implementation of internal market rules: EEA EFTA countries

3. Welcomes the inclusion of improved data on the EEA EFTA countries in the annual Consumer Markets scoreboard; encourages the EFTA Surveillance Authority, with the assistance of, and in cooperation with, the Commission, to develop further the systematic monitoring of the implementation of internal market legislation;

4. Notes that with the entry into force of the Lisbon Treaty uncertainty exists as to which EU legislation is EEA relevant; considers that this might lead to slower implementation of the internal market legislation in the EEA EFTA States; urges the Commission to provide an assessment of the situation;

5. Notes that the Lisbon Treaty enhances the role of national parliaments in EU decision-making; considers that, by analogy, parliaments in the EEA EFTA States should be more closely associated with the EU legislative process as regards EEA-relevant proposals; calls on the Commission to provide the national parliaments of the EEA EFTA States with the legislative proposals that are sent to the national parliaments in the EU Member States for consultation;

6. Calls on the Commission to formalise the notification process of new EU rules and legislation that fall within the scope of the EEA Agreement in order to decrease the gap between the adoption of new legislation and potential take-up by EEA EFTA States;

7. Encourages the EEA EFTA States to allocate adequate resources for implementing internal market legislation; considers the implementation of the Services Directive and in particular the setting-up of single points of contact to be of crucial importance in this connection;

8. Recognises that, for institutional reasons, the implementation of internal market legislation is necessarily proceeding more slowly in EEA EFTA countries than in the EU; notes that, despite these differing conditions and the broadly positive results, there is still potential for further reducing the implementation deficit in the EEA EFTA States as well;

9. Notes that other important Internal Market legislation proposals are currently under discussion, including the Commission's proposal for a Directive on Consumer Rights; calls on the Commission to increase the involvement of EEA EFTA Member States in those discussions;

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Implementation of internal market rules: Switzerland

10. Welcomes the progress made towards liberalisation of cross-border service provision between the EU and Switzerland and, in particular, the positive effects of the FMPA, as witnessed by constant increases in the numbers of posted workers and self-employed service providers from the EU operating in Switzerland from 2005 to 2009; notes that this trend has been mutually beneficial;

11. Notes that Switzerland has adopted a number of supporting measures accompanying the FMPA aimed at protecting workers against wage and social dumping, providing equal treatment for Swiss and EU services providers and safeguarding public support for the agreement; observes that these measures can hinder the provision of services by EU businesses, notably by small and medium-sized businesses in Switzerland; notes that according to Court of Justice case-law a number of these supporting measures would be acceptable only if they protect, in a proportional manner, a general interest that is not already protected in the state of origin of the service providers;

12. Points out that the following supporting measures in particular are disproportionate as regards the agreement on freedom of movement and make it difficult for SMEs to provide services in Switzerland: the obligation in force in Switzerland to provide prior notification with an 8-day waiting period, the requirement to contribute to the enforcement costs of tripartite commissions, and excessively strict enforcement; in this context, also urges the Swiss authorities to repeal regulations which oblige foreign enterprises providing cross-border services to place a guarantee of financial probity;

13. Is concerned about the recent developments at Zürich-Kloten Airport where the Swiss authorities refused to allow German and Austrian taxis to take passengers, and expresses serious doubts as to whether this measure complies with the FMPA; urges the Commission to examine this issue thoroughly;

14. Calls on the Commission to examine measures obstructing the functioning of the internal market within the EU which also pose problems for Swiss service providers, and to take measures, if appropriate;

15. Encourages the Swiss Government, and the Cantons, to draw on the EU and EEA's experiences of opening up the services sector through the implementation of the Services Directive; emphasises that, in economic terms, the Services Directive is proving to have a liberalisation affect not only across but also within Member States, through the process of screening national legislation to remove unnecessary barriers to establishment, and peer review, whereby Member States have been justifying any further restrictions in the public interest; considers therefore that a similar exercise might prove helpful in paving the way for increased cross-border service provision between the EU and Switzerland;

16. Welcomes the efforts made by the Swiss government to improve the availability of information for businesses from the EU;

17. Welcomes the Swiss Parliament's decision to transpose Directive 2005/36/EC on the recognition of professional qualifications and calls on Switzerland and the Commission to reach an agreement on the implementation of the Directive as soon as possible;

18. Observes that in general the FMPA does not contain a comprehensive agreement on the free movement of services, with the latter only being very selectively covered by specific bilateral agreements; stresses that a comprehensive agreement on the free movement of services would bring significant economic benefits for both sides; calls on the Commission and Switzerland, therefore, to explore the possibility of launching negotiations with the aim of concluding an all-encompassing agreement on the free movement of services;

19. While fully respecting the causes of the specific nature of the relations between Switzerland and the EU, considers that every effort should be made so that identical or parallel internal market rules, inter alia in the area of free movement of services, are interpreted and applied in the same manner in the EU and Switzerland, in order to ensure Switzerland's equal participation in the internal market;

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20. Stresses the mutual interest of the EU and Switzerland in enhanced uniformity in the application of the FMPA and a more timely convergence of Swiss and EU internal market legislation which would provide economic operators from both sides with a more transparent and predictable environment;

21. Welcomes the independent trend for Swiss authorities to consider EU Court of Justice case-law that has been handed down after the signing of the FMPA; welcomes the recent adoption of the Swiss legislation to take into account the Cassis de Dijon principle;

22. Encourages the Commission and Switzerland to reach a prompt understanding in the ongoing negotiations on bilateral agreements, including the one on product safety; calls on the Commission and Switzerland to formulate these and future agreements as clearly as possible, taking account of future developments, so that the possibilities for uneven application are strictly limited from the outset;

23. Calls on the Commission and Switzerland to look into developing a mechanism for a faster adaptation of the FMPA to the development of the relevant *acquis* in the areas falling within its scope;

24. Calls on the Commission and Switzerland in the short run to look into ways of finding horizontal solutions to certain institutional issues, to decrease fragmentation and enhance transparency in the decision-making system, to enhance communication between the Joint Committees and to consider the introduction of an effective dispute settlement mechanism;

25. Calls for enhanced communication between the European Parliament and Switzerland and for Swiss representatives to be more involved in the work of the European Parliament and its respective bodies;

26. Notes that in light of the new challenges in current and planned negotiations on several policy areas, *inter alia* consumer protection, there is a need to discuss the possibility of going beyond the existing institutional framework and perhaps concluding an all-encompassing bilateral agreement to the mutual benefit of Switzerland and the EU;

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

Fair revenues for farmers: A better functioning food supply chain in Europe

P7_TA(2010)0302

European Parliament resolution of 7 September 2010 on fair revenues for farmers: A better functioning food supply chain in Europe (2009/2237(INI))

(2011/C 308 E/04)

The European Parliament,

— having regard to the Commission communication entitled ‘A better functioning food supply chain in Europe’ (COM(2009)0591) and the various working documents annexed to this communication,

— having regard to the final recommendations of the High Level Group on the Competitiveness of the Agro-Food Industry of 17 March 2009 ⁽¹⁾,

⁽¹⁾ http://ec.europa.eu/enterprise/sectors/food/files/high_level_group_2008/documents_hlg/final_recommendations_hlg_17_03_09_en.pdf

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- having regard to its resolution of 26 March 2009 on ‘food prices in Europe’ ⁽¹⁾,
 - having regard to its declaration of 19 February 2008 on ‘investigating and remedying abuse of power by large supermarkets operating in the European Union’ ⁽²⁾,
 - having regard to the conclusions adopted by the Council on 29 March 2010 on a better functioning food supply chain in Europe ⁽³⁾,
 - having regard to the report ‘Agribusiness and the right to food’ by the United Nations Special Rapporteur on the Right to Food,
 - 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 opinions of the Committee on Environment, Public Health and Food Safety and of the Committee on Internal Market and Consumer Protection (A7-0225/2010),
- A. whereas recent food and commodity price volatility has raised great concerns about the functioning of the European and global food supply chains,
- B. whereas, although food prices have risen by 3,3 % per year since 1996, the prices farmers receive have only risen by 2,1 % whilst operational costs have increased by 3,6 %, proving that the food supply chain is not functioning properly,
- C. whereas the Commission communication acknowledges that ‘these changes have caused considerable hardship for agricultural producers and imply that consumers are not getting a fair deal’ ⁽⁴⁾,
- D. whereas end-consumer prices on average remained constant or even increased despite the sharp decline in agricultural commodity prices in 2008,
- E. whereas balanced commercial relations would not only improve the functioning of the food supply chain but would also benefit farmers,
- F. whereas the proliferation of unfair commercial practices today is undermining the farmers’ capacity to invest and innovate (especially in green technologies, climate mitigation and renewable energy sources, while farmers are required to meet high environmental standards, and these requirements will be further strengthened in the post-2013 Common Agricultural Policy),
- G. whereas the share of agricultural value added from the food supply chain has dropped from 31 % in 1995 to 24 % in 2005 in the EU-25, and whereas preliminary figures for the following years show a further decrease of the share returning to farmers, against a constant increase of margins by processors, wholesale traders and/or retailers and economic operators outside the food supply chain,
- H. whereas the average farmer’s income decreased by more than 12 % in the EU-27 in 2009, meaning that farmers can no longer generate a fair income from their work, and whereas, despite this, farmers and the agri-food sector still have to produce food products that meet extremely demanding quality standards at prices that are affordable to consumers, in line with the objectives defined under the CAP,

⁽¹⁾ Texts adopted of that date, P6_TA(2009)0191.

⁽²⁾ Texts adopted of that date, P6_TA(2008)0054.

⁽³⁾ Council document 8099/10.

⁽⁴⁾ Introduction to COM(2009)0591.

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- I. whereas the food supply chain involves farmers, 'farmers' co-operatives and producer organisations, food processing industries, wholesalers, retailers, supermarket chains, catering, restaurants, direct supply from subsistence, private production and consumers but also economic operators from outside the food supply chain, such as communications and promotions companies, suppliers of transport and logistics, energy and utilities, packaging, technical resources, additives, technologies and suppliers of consultancy services; whereas this complexity and high diversity must be taken into account in order to improve the sustainability of the whole chain,
 - J. whereas the Commission communication identifies serious problems such as abuse of dominant buyer power, unfair practices in contracting (including late payments), unilateral contractual modifications, advance payments for access to negotiations, restricted market access, lack of information on price building and the distribution of profit margins throughout the food chain, closely linked to increased concentration in the input, wholesale and retail sectors,
 - K. whereas the Commission communication of 28 October 2009 recommends promoting and facilitating the restructuring and consolidation of the agricultural sector by encouraging the creation of voluntary agricultural producer organisations,
 - L. whereas globalisation and the processes of concentration, especially at retail level, have created a situation of imbalance as between the different players in the food chain, and today's reality is one of a tiny number of all-powerful retailers who negotiate directly or indirectly with 13,4 million farmers and 310 000 agri-food enterprises Union-wide,
 - M. whereas excessive concentration leads to losses in product diversity, cultural heritage, retail outlets, jobs and livelihoods,
 - N. whereas the Commission states that contractual imbalances associated with unequal bargaining power 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,
 - O. whereas food products are traded freely in the internal market and the outcome of price negotiations between producers (organisations), processors, traders and retailers is often determined by price developments in the world market,
 - P. whereas the enormous difference in numbers and economic power between farmers and retailers is a clear indication of an imbalanced food supply chain whereas in order to balance out the numbers it is necessary to promote the development of economic organisations of farmers; whereas cooperatives play a central role by increasing their influence and negotiating power,
 - Q. whereas the European Union is integrated in, and bound by treaty to, world trade,
 - R. whereas the European Union is the world's largest agricultural importer and exporter, with the EU's agricultural imports rising in 2008 by some 10 % to EUR 98 600 million and agricultural exports rising by nearly 11 % to EUR 75 200 million,
 - S. whereas the European Union already makes very many concessions under its development aid policy, and whereas bilateral agreements must not be made one-sidedly, to the detriment of European agriculture,
1. Welcomes the Commission Communication of 28 October 2009 entitled 'A better functioning food supply chain in Europe' (COM(2009)0591), since it recognises the existence of major power imbalances among operators, but believes that the measures suggested in that Communication are not sufficient to deal with the problems involved;

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2. Calls on the Commission and Member states to urgently address the problem of unfair distribution of profits within the food chain, especially with regard to adequate incomes for farmers; recognises that to stimulate sustainable and ethical production systems farmers need to be compensated for their investments and commitments in these areas; emphasises that power struggles must give way to cooperative relationships;

3. Notes that all the agriculture-related objectives referred to in the Treaties of Rome (increased productivity, adequate food supply, reasonable consumer prices, market stabilisation) have been attained, with the exception of the objective of fair income in agriculture; calls on the Commission therefore to take proper account of this in all budgetary proposals;

4. Recognises the need for a stable, secure and profitable production sector as a decisive factor in the food chain; notes also, however, that the food chain is made up of several actors – farmers, processors, manufacturers, suppliers and retailers – who all contribute added value and who equally need a certain amount of security;

Price transparency

5. Calls on the Commission to improve the European food price monitoring tool with the aim of making it more user-friendly, by including a multilingual interface covering a greater number of food products and achieving better price comparability on each grade of the food supply chain within and among Member States, so as to meet consumers' and farmers' need for more transparency on food price building;

6. Deplores the reluctance of the European Commission to carry out a study of the distribution of profit margins throughout the supply chains as agreed with regard to the 2009 budget procedure;

7. Points out that an imbalance in business transparency between agricultural undertakings and up- and downstream actors in the food chain may have negative consequences for the negotiating position of farmers and producer groups;

8. Calls on the Commission to swiftly carry out the pilot project on the creation of a European farm prices and margins observatory (supplemented by data on prices, margins and volumes) for which Parliament and Council adopted a EUR 1,5 million appropriation under the 2010 budget;

9. Urges the Commission to maintain the high-level group on the food distribution chain as a permanent forum for discussion, as it has proved a significant instrument for identifying problems, making recommendations and adopting strategies with a view to remedying the current situation of imbalance;

10. Calls on the Commission to propose mandatory annual reporting by the top European traders, processors, wholesalers and retailers on their market shares (with data on private labels) for key food items and on their monthly sales volumes so as to allow all market partners to estimate trends in demand, supply and price developments in the food chain;

11. Notes that in some countries the food processing industry has the largest margin in the food chain, as has also been confirmed by the Commission; calls for the processing industry in particular therefore to be monitored and investigated in order to guarantee price transparency;

12. Considers it necessary to increase market transparency and the information supplied to consumers as a prerequisite for highlighting the identity of products and guaranteeing variety in foods and in agricultural and agri-food products, which are an expression of the history and cultures of numerous countries and regions and reflect the 'distinctive' nature of agriculture in each Member State;

13. Calls on the Commission to carry out an impact assessment on the benefits of an improved legal framework covering private quality and distributor labels, with a view to avoiding their multiplication, in order to provide consumers with greater transparency and market access for producers;

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14. Highlights the need to promote an increase in the added value of European agri-food production and launch information campaigns for consumers on the efforts made by farmers and the industry in relation to the environment, food safety and animal welfare;

Competition

15. Calls on national and European competition authorities, and other regulating authorities involved in production and commerce, to robustly address the dominant position and significant market share of agribusiness traders, input companies, processors and retailers operating in the food supply chain; urges these authorities to take action against abusive buyer practices of all actors which put farmers in a very unequal bargaining position;

16. Calls on the Commission to establish a new relationship between competition rules and the CAP, with the aim of providing farmers and their interbranch organisations with tools that will make it possible to improve their negotiating position;

17. Urges the Commission to examine the consequences of significant market penetration by a single retailer or a small number of retailers in a given Member State; urges the Commission to consider the possibility of introducing corrective measures - for the benefit of producers and consumers - where retailer practice or market share is found to have an anti-competitive effect;

18. Calls on the Commission to submit a report to Parliament by the end of 2010 providing data on buyer power abuse in the EU, anticompetitive behaviour and unfair contractual practices throughout the food chain from the input sector through to the consumer, and proposing suitable responses;

19. Calls on the Member States, where appropriate, to give their national competition authorities greater scope for action by establishing straightforward evidence-gathering mechanisms with regard to distortions of competition through unfair contractual practices;

20. Considers there is a need to prohibit selling below purchase price of agricultural produce at Union level;

21. Urges the Commission to initiate a full sector inquiry along the food supply chain to determine the level of buyer power abuses in the sector; points to the success of the competition inquiry within the pharmaceutical sector in 2009;

22. Urges the Commission to revise the criteria currently used to assess anticompetitive behaviour (Herfindahl Index); this index, which is useful for assessing the risks of monopoly, is unable to get the true measure of anticompetitive practices of a collusive or oligopolistic nature, as is apparently occurring, at least in part, in large-scale retailing;

23. Calls on the Commission to ensure a more targeted application of competition rules in the food chain and to consider legislative proposals to Parliament and Council in this regard, so as to effectively limit the development of dominant market positions within the input sectors, the food processing industry and the retail sector and to strengthen farmers' bargaining power, enabling them to take coordinated action against dominant actors through efficient producer organisations, sectoral organisations and SMEs;

24. Takes the view that Regulation (EC) No 1234/2007 on the Common Market Organisation (CMO) regulation must be revised as a matter of urgency in order to strengthen such organisations, and that the scope of this regulation should be widened in order to include sustainable production practices as a condition for exemption to Article 101 TFEU;

25. Considers that a certain degree of coordination and harmonisation of national measures against unfair commercial practices will be needed at EU level;

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26. Urges the Commission to provide for legislative diversification for products with a strong territorial basis, which are marked by their specific, distinctive, local or regional nature, in comparison with standardised products;

27. Calls on the Commission to submit measures to ensure the survival of various nutritional, environmental and health-related characteristics and to ensure that such diversity is matched by suitable prices; essentially, competition should be developed also on the basis of various quality characteristics which should be duly measurable;

Abuse of buyer power and contracting

28. Calls on the Commission to ensure that EU competition law is not by-passed by buyer power abuse (no distortion) in the food chain, which often occurs in the form of late payments to farmers or small processors, subsequent alterations to contract terms, forced discounts, resale at loss, excessively high volume requirements and unjustified listing fees, and to make adequate legislative proposals if necessary;

29. Asks in particular that payment periods along the food supply chain should be shortened to a maximum of 30 days for all foodstuffs and less for highly perishable agricultural products, as part of the ongoing revision of Directive 2000/35/EC of the European Parliament and of the Council on combating late payment in commercial transactions (exceptions should be considered in the case of producer organisations and cooperatives);

30. Urges the Commission to propose an expansion of European competition law beyond its current narrow focus on consumer welfare and concerns for low food prices;

31. Calls on the Commission to examine whether requirements imposed by individual distribution chains, over and above statutory stipulations, in relation to vegetable-growing and fruit-growing practices and pesticide residues are liable to impede free trade and unfairly to strengthen the position of distributors in the food supply chain;

32. Calls for a list to be drawn up of abusive market practices, such as loss leader pricing and sales commissions, and for such practices to be explicitly outlawed by the EU; calls for companies failing to comply to be 'named and shamed' and for penalties to be introduced;

33. Calls on the Commission to examine whether and to what extent the misuse of private labels (own brand products) and the practices of buying alliances by supermarket chains, lead to unfair competition and pressure on farmers and the systematic reduction of producer prices; stresses that the misuse of private labels has an adverse impact on producers' capacity to innovate (especially small producers); urges the Commission to take action in this regard so that farmers and producer groups are treated fairly in the process of price building;

34. Takes the view that the Commission's recommendations to enhance vertical integration of the food industry do not always reflect the need to rebalance bargaining power between farmers, distributors and the food industry, and that those strategies should therefore be accompanied by measures to discourage abusive practices;

35. Warns that contract farming imposed by buyers, vertical integration and futures, which are playing an increasingly important role, could weaken competition and farmers' bargaining positions; calls therefore on the Commission to examine the effects of contractual arrangements of this type and to take appropriate action if needed;

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36. Calls on the Commission and Member states to promote fair contracting between all the actors of the food supply chain based on terms negotiated with farmers' and producers' organisations, including sectoral and interbranch organisations, so as to enhance sustainable farming practices and ensure best product quality, to reduce purchase prices for inputs and to guarantee fair prices, and to provide for an easily accessible system to guard against breach of contract by buyers; takes the view that standard contracts could be useful tools, the implementation of which should be made compulsory in some sectors; supports the exchange of best practices on notification of contractual practices between Member States, including the provision of information to the Commission;

37. Welcomes and encourages the establishment of ombudsmen for the food retail sector and other arbitration mechanisms aimed at guaranteeing compliance with contractual agreements; calls on the Commission to examine experiences in this regard with a view to the establishment of an EU-wide food retail ombudsman whose tasks would be to ensure enforcement of codes of conduct, best practices and contracts in transactions among operators from different Member States;

38. Calls on the Commission to uncover unfair practices in relation to listing fees and other market entry fees and to examine them under competition law; calls on the Commission to propose uniform rules on the use of listing fees and market entry fees and, in particular, to take action against excessive fees demanded by distributors;

39. Believes that the Commission needs to promote a large-scale information campaign at European level in order to raise farmers' awareness concerning their rights, the abusive practices of which they may be the targets, and the means available to them to denounce abuses;

Speculation

40. Calls on the European Union to press for the creation of an independent global regulatory agency setting rules on commodity futures and options exchange and implementing strict regulatory measures against global speculation on food commodities;

41. Asks that, in view of increasing market orientation, measures are taken to counter extreme price volatility, since some players in the food chain are taking advantage of that phenomenon while others are being visibly damaged by it; calls therefore on the Commission to propose legislation for instruments to curb price volatility in order to reduce the vulnerability of producers;

42. Calls on the Commission to strengthen the competences of European commodity exchange authorities so as to prevent speculation on food commodities and to work towards the implementation of adequate EU measures preventing speculation on non-agricultural commodities to influence agricultural futures;

43. Calls on the Commission to improve the oversight and the overall transparency of agricultural commodity derivatives markets and also to enhance the transparency for over-the-counter activity in the context of the upcoming review of MiFID and other relevant legislation;

Self-regulation

44. Urges the Council to further encourage self-regulation initiatives and the possibility of setting up mutual funds to cope with economic risks, so as to strengthen farmers' bargaining positions, especially through support to economic and producer organisations, sectoral organisations and farmers' co-operatives;

45. Encourages Member States to draft codes of good commercial practices for the food chain, including complaint mechanisms and penalties for unfair practices; calls on the Commission to propose a common code, to apply throughout the EU, in order to rebalance relations in the food supply chain; urges also the Commission to make a proposal for applying an EU-wide mechanism for monitoring relations between dominant retailers and their suppliers through specialised bodies in the Member States;

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46. Considers it necessary to promote the closer integration of the various links of the chain in the context of interbranch organisations and to draw up voluntary standard contracts, with the possibility, in certain cases and especially for perishable goods, of Member States demanding that they become binding;

Sustainable food systems, food quality

47. Deplores the fact that the Commission, in its communication, does not place more emphasis on the importance of agriculture in the food-supply and food-industry economic value chain; stresses the correlations between low farm gate prices and structural surplus production and their consequences for sustainability, food quality, animal welfare, agricultural innovation and employment in disadvantaged regions;

48. Calls on the Commission to propose the adoption of instruments to support and promote farmer-managed food supply chains, short supply chains and farmers' markets, in order to establish a direct relationship with consumers and to enable farmers to obtain a fairer share of the value of the final sale price by reducing the number of middlemen and of stages in the process;

49. Urges the Commission, in its activities, to be particularly attentive to the situation in developing countries and not to jeopardise the self-supply of food in these third countries;

50. Calls on the Commission to review EU hygiene standards in relation to local or distance marketing and the shelf life of products, to decentralise and simplify certification and control systems, and to promote direct producer-consumer relations and short food supply chains;

51. Affirms the importance of, and need for, robust regulations on the quality of agricultural products; recalls, in this connection, the European Parliament resolution of 25 March 2010 on agricultural product quality policy, and affirms the imperative need for imported products to comply with all quality and manufacturing standards so as to guard against unfair competition with European products;

52. Recalls that the stability of farmers' income determines their capacity to invest in green technologies, climate mitigation and renewable energy sources, and environmental protection measures for sustainable agriculture, and in addition that farmers are required to meet high environmental standards;

53. Considers it essential to improve the organisation of and further rationalise the food supply chain in order to reduce the environmental impact of food transportation (food miles) and promote the marketing of local foodstuffs;

54. Stresses that investment in facilities for the conservation and packaging of farm products could make a significant contribution to ensuring fair prices for these products;

55. Stresses the need to ensure sustainable development of the rural economy by encouraging the processing of agricultural products on farms, as well as non-agricultural activities, with a view to increasing the number of jobs and generating additional revenue;

56. Calls on the Commission to support local and regional food marketing initiatives and not to burden them unduly with regulations and red tape, because they contribute significantly to the generation of added value by agricultural enterprises;

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Self supply, public catering, food waste

57. Calls on the Commission to pay due attention, when reviewing EU standards, also to locally based food producers such as those involved in subsistence production;

58. Calls on the Commission to assess possible modifications to the rules on public procurement practices for catering services so as to enhance sustainable farming practices and animal welfare and develop seasonal and local food;

59. Considers that public procurement, for example in the context of specific programmes for dairy products, fruit and vegetables being implemented in schools, should guarantee access for small local producers and local producer groups;

60. Considers that measures should be taken to encourage agricultural markets directly administered by farmers, the creation of marketing outlets for producers to offer their products directly to consumers and the introduction of programmes to encourage the sale of products on local markets;

61. Urges the Commission to analyse, in a report to the European Parliament and the Council, the huge waste of food in the food chain, which in most Member States comprises up to 30 % of produced food, and to take action via an awareness-raising campaign about the essential value of food;

62. Affirms the need to develop food programmes for those EU citizens who need them, such as the most disadvantaged, the elderly and young people;

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

Funding and functioning of the European Globalisation Adjustment Fund

P7_TA(2010)0303

European Parliament resolution of 7 September 2010 on the funding and functioning of the European Globalisation Adjustment Fund (2010/2072(INI))

(2011/C 308 E/05)

The European Parliament,

- having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular point 28 thereof,
- having regard to Regulation (EC) No 1927/2006 of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾ (EGF Regulation),
- having regard to Regulation (EC) No 546/2009 of the European Parliament and of the Council of 18 June 2009 amending Regulation (EC) No 1927/2006 on establishing the European Globalisation Adjustment Fund ⁽³⁾,

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

⁽³⁾ OJ L 167, 29.6.2009, p. 26.

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- having regard to its resolutions on the proposals for decisions of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund, in accordance with Point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management, that have been adopted since 23 October 2007 ⁽¹⁾,
 - having regard to the Commission communications of 2 July 2008 (COM(2008)0421) and 28 July 2009 (COM(2009)0394) to the European Parliament and the Council on European Global Adjustment Fund activities in 2007 and 2008,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets and the opinions of the Committee on Employment and Social Affairs and the Committee on Economic and Monetary Affairs (A7-0236/2010),
- A. whereas, with a view to countering the adverse impact of globalisation on workers affected by collective redundancies and to showing its solidarity towards such workers, besides increasing their re-employment, the European Union set up a European Globalisation Adjustment Fund (hereinafter 'EGF') to provide financial support for personalised programmes to reintegrate redundant workers into the labour market; whereas the EGF has a maximum annual amount of EUR 500 million, drawn either from any margin existing under the global expenditure ceiling of the previous year or from cancelled commitment appropriations for the two previous years, excluding those relating to Heading 1b of the Financial Framework; whereas the EGF was established as a flexible, specific support instrument that was meant to respond more quickly and effectively to the reintegration of workers affected by redundancies resulting from changes in world trade patterns,
- B. whereas, in response to the increase in unemployment resulting from the economic and financial crisis and to the lessons learned from the experience gained in 2007 and 2008, the European Union amended the rules governing the use of the EGF in June 2009; whereas that amendment concerned all applications to be submitted before 31 December 2011 and consisted in broadening the scope of the EGF, relaxing and clarifying the intervention criteria, raising the cofinancing rate and extending the period during which Member States may use the financial contributions provided,
- C. whereas an analysis of the funds mobilised under the EGF between 2007 and the end of the first half of 2009 highlights modest implementation of the allocated resources, with only EUR 80 million having been mobilised, out of a total of EUR 1.5 billion available, for 18 applications submitted on behalf of 24 431 workers by eight Member States for a very limited number of sectors (notably textiles and the car industry); whereas those shortcomings are also reflected in the differences between the amounts initially allocated and those finally implemented, with EUR 24.8 million (39,4 % of the appropriations mobilised) having subsequently been paid back in the case of the first 11 applications,
- D. whereas, although EGF operations under the revised regulation cannot as yet be assessed owing to the fact that the applications submitted since May 2009 are still awaiting a decision or being acted on, there can already be said to have been a marked increase in the number of applications for EGF support, which confirms the pertinence of the changes made; whereas between May 2009 and April 2010 the number of applications submitted rose from 18 to 46, the total contributions requested from EUR 80 million to EUR 197 million and the number of Member States submitting applications from 8 to 18, while the number of workers requiring support almost doubled (36 712 more workers than before) and the applications concerned a much broader range of economic sectors,

⁽¹⁾ Texts adopted of 25.3.2010 (P7_TA(2010)0071 and P7_TA(2010)0070), 9.3.2010 (P7_TA(2010)0044, P7_TA(2010)0043 and P7_TA(2010)0042), 16.12.2009 (P7_TA(2009)0107), 25.11.2009 (P7_TA(2009)0087), 20.10.2009 (P7_TA(2009)0049), 15.9.2009 (OJ C 224 E, 19.8.2010, p. 46), 5.5.2009 (OJ C 212 E, 5.8.2010, p. 165), 18.11.2008 (OJ C 16 E, 22.1.2010, p. 84), 21.10.2008 (OJ C 15 E, 21.1.2010, p. 117), 10.4.2008 (OJ C 247 E, 15.10.2009, p. 75), 12.12.2007 (OJ C 323 E, 18.12.2008, p. 260) and 23.10.2007 (OJ C 263 E, 16.10.2008, p. 155).

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- E. whereas, however, 9 Member States have yet to make use of the EGF, the amounts mobilised remain well below the maximum annual amount of EUR 500 million available and most applications are for regions in which per capita GDP is above the EU average and where the unemployment rate is relatively low; whereas, in view of this, it may be concluded that, although the improvements made to the original regulation were substantial, they remain limited when set against the increase in the number of collective redundancies recorded over recent years,
 - F. whereas the raising of the cofinancing rate from 50 % to 65 % during the 2009 revision would appear to be one of the factors behind the increase in the number of applications,
 - G. whereas the limited use made of the EGF for the EU's poorest regions stems from varying national strategies and from the difficulties involved in establishing the precise status of potential beneficiaries before a decision is taken at European level,
 - H. whereas, although the Joint Declaration of the European Parliament, the Council and the Commission of 17 July 2008 called for EGF financial support to be provided as swiftly and effectively as possible, some 12 to 17 months still elapse between the time when a collective redundancy takes place and the time when EGF funding is provided to the requesting Member State; whereas this is one of the reasons for the disparity between the number of workers for whom EGF funding is requested and the number of workers who actually receive support under the fund,
 - I. whereas the draft interinstitutional agreement between the European Parliament, the Council and the Commission on cooperation in budgetary matters ⁽¹⁾ alters the procedure for mobilising the EGF only slightly, by making the trilogue procedure optional, in line with standard practice; whereas this change is unlikely to make the procedure any less slow and cumbersome,
 - J. whereas, according to the Commission's interim report on the functioning of the IIA ⁽²⁾, the need for the two arms of the budgetary authority to take a specific decision to mobilise the EGF is one of the factors behind the slowness of the procedure; whereas this should not prevent speeding up and simplification of decisions on the mobilisation of the EGF,
 - K. whereas reliable and consistent data on the implementation of the EGF since its modification after 2009 is not yet available and taking the strong view that transparency and regular reporting duties need to be established,
 - L. whereas the 27 decisions taken between 2007 and April 2010 were all favourable and the amounts authorised were the same as those proposed by the Commission,
 - M. whereas the globalisation phenomenon and the effects of the economic crisis on employment will persist beyond 2013 and, as a consequence, it is probable that the tendency for the number of applications to rise will increase in the next years; whereas, however, the intention of the fund is not to be a substitute for lack of innovation,
1. Takes the view that the EGF's added value as an EU social policy instrument lies in the fact that it provides visible, specific, targeted and temporary financial support for personalised programmes for the reskilling and reintegration into employment of workers affected by collective redundancies in sectors or regions undergoing severe economic and social disruption;

⁽¹⁾ COM(2010)0073 of 3 March 2010.

⁽²⁾ COM(2010)0185 of 27 April 2010.

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2. Takes the view that the increase in the number of applications for EGF funding and the difficulties experienced in implementing the EGF mobilisation and deployment procedure call for improvements to be made to the fund's procedural and budgetary arrangements at the earliest opportunity; underlines that the Commission should improve information about, and the visibility of, the EGF among the Member States and the potential beneficiaries of the fund; calls, accordingly, on the Commission to bring the submission of its mid-term evaluation forward to 30 June 2011 and to submit at the same time a proposal for the revision of the EGF Regulation, in order to remedy the fund's clearest shortcomings before the end of the current Multiannual Financial Framework (MFF);

3. Calls on the Commission to evaluate in its interim review the contributions granted with reference to the following qualitative aspects:

- (a) the rate of success in reintegration and assessment of the upgrading of the skills of the beneficiaries;
- (b) a comparative analysis of the measures financed in response to each EGF application and results on the basis of reintegration;
- (c) compliance with the non-discrimination criterion with reference to the contractual position of the workers made redundant and to workers who make use of their right to free movement within the EU;
- (d) the procedures for consulting the social partners that were or were not used when preparing applications and the checks carried out on their implementation;
- (e) the impact of the EGF on its beneficiaries' network and on the small and medium-sized enterprises potentially affected by the redundancy plan and whose employees could profit from the fund;
- (f) an analysis of the implications of the different EGF candidatures in terms of the national institution in charge of their management;
- (g) the impact of contributions from the EGF by age group in benefiting Member States and sectors;

4. Calls on the Commission to evaluate in its interim review the contributions granted from the budgetary point of view, and reflect its findings with particular reference to:

- (a) the reasons for the large disparity between the resources requested from the EGF and the amounts reimbursed by the beneficiary Member States when the assistance is already concluded;
- (b) in the cases where Member States have made reimbursements, which were the financed programmes and measures not executed;
- (c) the reasons for the large disparities between Member States in terms of the funding provided per worker in the different EGF applications;
- (d) an analysis of coordination between the various European-financed programmes (including ESF assistance) which have been allocated to the same region where EGF applications are being considered and/or their consideration has been concluded;
- (e) an analysis of the proportion of overall funding that the Commission accounted for in relation to other national and company-specific support measures;

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5. Considers that, when the regulation is revised, due account should be taken of the findings of the evaluation of the EGF's functioning and of the experience gained, and measures that will substantially reduce the length of the EGF mobilisation procedure should be introduced;

6. Calls on the Commission to propose the addition to the EGF Regulation of an obligation for Member States to support the participation of a workers' association during the implementation phase; calls on the Commission to organise exchanges of experiences and good practices concerning workers' involvement in the implementation of the EGF, so that workers in existing and new cases may benefit from the expertise gained in previous cases;

7. Underlines that the time required to mobilise the EGF could be halved if the following measures are formulated and adopted:

(a) applications for mobilisation of the EGF should be drawn up by Member States as soon as a collective redundancy has been announced, and not after it has taken place;

(b) the Commission should inform Member States that an application could be presented from the first day when the intervention criteria have been fulfilled;

(c) all means should be made available to ensure swift and enhanced communication with the Member State concerned in this process;

(d) applications by Member States in their own language and one of the European institutions' working languages could help the Commission department responsible for scrutinising applications to do so without delay;

(e) the Commission should have the necessary human and technical capacities, respecting the principles of budgetary neutrality, to effectively and swiftly process the applications submitted by Member States;

(f) the Commission should take decisions on the mobilisation of the EGF within 3-4 months after having received the application, including all necessary information, from the Member State; in cases where the assessment of an application might take longer than 4 months, the Commission should inform the EP as soon as possible and state the reasons for such a delay;

8. Calls on the Commission to provide the Member States with a set of guidelines for the design and implementation of applications for EGF funding geared to a fast application procedure and a broad consensus among stakeholders on the strategy to be applied and the measures to be put in place for effective reintegration of the workers into the labour market; calls on the Member States to accelerate the procedure by prefinancing the measures that should start from the day of the application so as to use to the maximum the implementation period of the EGF for the benefit of the workers concerned;

9. Reminds the Member States that they are obliged, on the one hand, to involve the social partners right from the outset in the task of preparing applications in accordance with Article 5 of the EGF Regulation and, on the other hand, to comply with Article 9 of the Regulation, which requests Member States to provide information on and publicise the funded actions, information that has also to be addressed to the workers concerned, the local and regional authorities and the social partners, and to standardise procedures; calls on the Member States to ensure that works councils are involved before any programme begins so as to guarantee that the social partners genuinely help to formulate conversion plans which meet the needs of employees and not of undertakings;

10. Requests the Member States to put in place a communication and administration structure for the EGF at national level, in consultation with all stakeholders, particularly the social partners, and to exchange good practice at European level, which will allow the EGF to take rapid and effective action in cases of large-scale redundancies;

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11. Points out that Regulation (EC) No 1927/2006 allows countries to submit joint requests for assistance from the EGF where the workers affected in a geographical area or a given sector are not concentrated in a single Member State;

12. Considers that, in order to speed up and simplify procedures, more effective coordination between the Commission and the European Parliament must be ensured, so that the time limit for decision-making could be reduced, without detriment to the evaluation of the applications made by the relevant committees of the EP, and therefore:

- (a) the Commission must take due account of the EP calendar, with regard to the parliamentary committee meetings as well as the part-sessions, submitting its proposals in due time, in order to speed up the decision-making procedure;
- (b) the Commission must inform the EP in due time on difficulties and/or blockages encountered while assessing the Member States' applications;
- (c) on the other hand, the Committee on Employment and Social Affairs and the Committee on Budgets will do everything they can to ensure that decisions are taken at the next plenary session following adoption in committee;

13. Considers that these immediate steps to simplify and give added flexibility to the EGF mobilisation procedure could, if warranted in the light of the experience gained by then, be incorporated into the regulation when it is revised; takes the view that any of these steps should not in any way limit or decrease the power of Parliament as one arm of the budgetary authority while deciding on the mobilisation of the fund;

14. Takes the view that, over and above these improvements to the procedure, the period of validity of the derogation inserted in 2009 with a view to assisting workers who lose their jobs as a result of the economic and financial crisis should be extended until the end of the current MFF and that the cofinancing rate should, therefore, be maintained at 65 %, given that the underlying causes on which their approval was based are far from having been removed;

15. Notes the inclusion, for the first time, in the Commission's Draft Budget 2011 of payment appropriations for the EGF and considers this an important element in the overall reflection on the management and visibility of this fund; considers, however, that these payment appropriations might not be sufficient to cover the amounts necessary for EGF applications in 2011; reiterates, therefore, its demand not to finance EGF applications exclusively through transfers from ESF lines and calls on the Commission to identify and use without further delay different budget lines for this purpose;

16. Stresses that the future of the EGF will be determined in the framework of negotiations on the next MFF; considers that for this purpose several options could be examined; considers that particular attention should be given to examining the option of establishing an independent fund with its own commitment and payment appropriations and calls on the Commission to come forward with proposals for resourcing such a fund; believes that any future reform of the EGF should maintain its flexibility, which currently represents a comparative advantage in relation to the EU Structural Funds;

17. Stresses that the conversion of the current EGF measures into a permanent means of support for active job-seeking measures would show a political will to develop a European social pillar that would be complementary to Member States' social policies and capable of revitalising the European approach to professional training; with this in mind, points out that the EGF should remain distinct in its objectives from the ESF and the European lifelong learning programmes, given that the EGF focuses on enhancing the abilities of each of the workers assisted, rather than on providing a response to the concerns of businesses or on the delivery of across-the-board services to training establishments;

18. Calls on Member States using the EGF to create synergies between the EGF, ESF and micro-finance so as to identify the measure best suited to the individual case;

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19. Urges the Member States to use the EGF to implement European objectives, to promote new skills, for new, sustainable, green, high-quality jobs in a given region and to promote entrepreneurship and lifelong learning, so as to allow workers to develop their individual careers and to contribute to improving the competitiveness of the EU in the context of globalisation;

20. Calls on the Commission to improve its reporting on the use of the EGF by substantially fleshing out its annual reports and regularly forwarding to Parliament information on Member States' implementation of financial contributions;

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

Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

P7_TA(2010)0304

European Parliament resolution of 7 September 2010 on the implementation and review of Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (2009/2140(INI))

(2011/C 308 E/06)

The European Parliament,

- having regard to Article 81 of the Treaty on the Functioning of the European Union,
- having regard to Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ⁽¹⁾ (hereinafter 'the Brussels I Regulation' or 'the Regulation'),
- having regard to the Commission's report on the application of that regulation (COM(2009)0174),
- having regard to the Commission's Green Paper of 21 April 2009 on the review of the Brussels I Regulation (COM(2009)0175),
- having regard to the Heidelberg Report (JLS/2004/C4/03) on the application of the Brussels I Regulation in the Member States and the responses to the Commission's Green Paper,
- 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 ⁽²⁾, specifically the sections 'Greater access to civil justice for citizens and business' and 'Building a European judicial culture',
- having regard to the Union's accession to the Hague Conference on private international law on 3 April 2007,
- having regard to the signature, on behalf of the Union, of the Hague Convention of 30 June 2005 on Choice of Court Agreements on 1 April 2009,

⁽¹⁾ OJ L 12, 16.1.2001, p. 1.

⁽²⁾ Texts adopted, P7_TA(2009)0090.

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- having regard to the case-law of the Court of Justice, in particular its judgment in Case C-394/07 *Gambazzi* ⁽¹⁾, its Opinion 1/03 (the *Lugano* opinion) ⁽²⁾, and its judgments in Case C-185/07 *Allianz and Generali Assicurazioni Generali* ⁽³⁾, Case 116/02 *Gasser* ⁽⁴⁾, Case C-281/02 *Owusu* ⁽⁵⁾, Case C-68/93 *Shevill* ⁽⁶⁾, Case C-129/92 *Owens Bank* ⁽⁷⁾, Case 125/79 *Denilauwer* ⁽⁸⁾, Case C-104/03 *St Paul Dairy Industries* ⁽⁹⁾ and Case C-391/95 *Van Uden* ⁽¹⁰⁾,
 - having regard to the Brussels Convention of 27 September 1968 on jurisdiction and the enforcement of judgments in civil and commercial matters ⁽¹¹⁾, Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims ⁽¹²⁾, Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure ⁽¹³⁾, Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure ⁽¹⁴⁾, Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations ⁽¹⁵⁾ and Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 ⁽¹⁶⁾,
 - having regard to Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) ⁽¹⁷⁾,
 - having regard to the opinion of the European Economic and Social Committee of 16 December 2009,
 - having regard to Rules 48 and 119(2) of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A7-0219/2010),
- A. whereas Regulation (EC) No 44/2001, with its predecessor the Brussels Convention, is one of the most successful pieces of EU legislation; whereas it laid the foundations for a European judicial area, has served citizens and business well by promoting legal certainty and predictability of decisions through uniform European rules – supplemented by a substantial body of case-law – and avoiding parallel proceedings, and is used as a reference and a tool for other instruments,
- B. whereas, notwithstanding this, it has been criticised following a number of rulings of the Court of Justice and is in need of modernisation,
- C. whereas abolition of *exequatur* – the Commission's main objective – would expedite the free movement of judicial decisions and form a key milestone in the building of a European judicial area,

⁽¹⁾ [2009] ECR I-2563.

⁽²⁾ [2006] ECR I-1145.

⁽³⁾ [2009] ECR I-663.

⁽⁴⁾ [2003] ECR I-14693.

⁽⁵⁾ [2005] ECR I-1383.

⁽⁶⁾ [1995] ECR I-415.

⁽⁷⁾ [1994] ECR I-117.

⁽⁸⁾ [1980] ECR 1553.

⁽⁹⁾ [2005] ECR I-3481.

⁽¹⁰⁾ [1998] ECR I-7091.

⁽¹¹⁾ Consolidated version in OJ, C 27, 26.1.1998, p. 1.

⁽¹²⁾ OJ L 143, 30.4.2004, p. 15.

⁽¹³⁾ OJ L 399, 30.12.2006, p. 1.

⁽¹⁴⁾ OJ L 199, 31.7.2007, p. 1.

⁽¹⁵⁾ OJ L 7, 10.1.2009, p. 1.

⁽¹⁶⁾ OJ L 338, 23.12.2003, p. 1.

⁽¹⁷⁾ OJ L 199, 31.7.2007, p. 40.

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- D. whereas exequatur is seldom refused: only 1 to 5 % of applications are appealed and those appeals are rarely successful; whereas, nonetheless, the time and expense of getting a foreign judgment recognised are hard to justify in the single market and this may be particularly vexatious where a claimant wishes to seek enforcement against a judgment debtor's assets in several jurisdictions,
- E. whereas there is no requirement for exequatur in several EU instruments: the European enforcement order, the European payment order, the European small claims procedure and the maintenance obligations regulation ⁽¹⁾,
- F. whereas abolition of exequatur should be effected by providing that a judicial decision qualifying for recognition and enforcement under the Regulation which is enforceable in the Member State in which it was given is enforceable throughout the EU; whereas this should be coupled with an exceptional procedure available to the party against whom enforcement is sought so as to guarantee an adequate right of recourse to the courts of the State of enforcement in the event that that party wishes to contest enforcement on the grounds set out in the Regulation; whereas it will be necessary to ensure that steps taken for enforcement before the expiry of the time-limit for applying for review are not irreversible,
- G. whereas the minimum safeguards provided for in Regulation (EC) No 44/2001 must be maintained,
- H. whereas officials and bailiffs in the receiving Member State must be able to tell that the document of which enforcement is sought is an authentic, final judgment from a national court,
- I. whereas arbitration is satisfactorily dealt with by the 1958 New York Convention and the 1961 Geneva Convention on International Commercial Arbitration, to which all Member States are parties, and the exclusion of arbitration from the scope of the Regulation must remain in place,
- J. whereas the rules of the New York Convention are minimum rules and the law of the Contracting States may be more favourable to arbitral competence and arbitration awards,
- K. whereas, moreover, a rule providing that the courts of the Member State of the seat of the arbitration should have exclusive jurisdiction could give rise to considerable perturbations,
- L. whereas it appears from the intense debate raised by the proposal to create an exclusive head of jurisdiction for court proceedings supporting arbitration in the civil courts of the Member States that the Member States have not reached a common position thereon and that it would be counterproductive, having regard to world competition in this area, to try to force their hand,
- M. whereas the various national procedural devices developed to protect arbitral jurisdiction (anti-suit injunctions so long as they are in conformity with free movement of persons and fundamental rights, declaration of validity of an arbitration clause, grant of damages for breach of an arbitration clause, the negative effect of the '*Kompetenz-Kompetenz* principle', etc.) must continue to be available and the effect of such procedures and the ensuing court decisions in the other Member States must be left to the law of those Member States as was the position prior to the judgment in *Allianz and Generali Assicurazioni Generali*,
- N. whereas party autonomy is of key importance and the application of the *lis pendens* rule as endorsed by the Court of Justice (e.g. in *Gasser*) enables choice-of-court clauses to be undermined by abusive 'torpedo' actions,

⁽¹⁾ See the 9th recital in the preamble.

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- O. whereas third parties may be bound by a choice-of-court agreement (for instance in a bill of lading) to which they have not specifically assented and this may adversely affect their access to justice and be manifestly unfair and whereas, therefore, the effect of choice-of-court agreements in respect of third parties needs to be dealt with in a specific provision of the Regulation,
- P. whereas the Green Paper suggests that many problems encountered with the Regulation could be alleviated by improved communications between courts; whereas it would be virtually impossible to legislate on better communication between judges in a private international law instrument, but it can be promoted as part of the creation of a European judicial culture through training and recourse to networks (European Judicial Training Network, European Network of Councils for the Judiciary, Network of the Presidents of the Supreme Courts of the EU, European Judicial Network in Civil and Commercial Matters),
- Q. whereas, as regards rights of the personality, there is a need to restrict the possibility for forum shopping by emphasising that, in principle, courts should accept jurisdiction only where a sufficient, substantial or significant link exists with the country in which the action is brought, since this would help strike a better balance between the interests at stake, in particular, between the right to freedom of expression and the rights to reputation and private life; whereas the problem of the applicable law will be considered specifically in a legislative initiative on the Rome II Regulation; whereas, nevertheless, some guidance should be given to national courts in the amended regulation,
- R. whereas, as regards provisional measures, the *Denilauwer* case-law should be clarified by making it clear that *ex parte* measures can be recognised and enforced on the basis of the Regulation provided that the defendant has had the opportunity to contest them,
- S. whereas it is unclear to what extent protective orders aimed at obtaining information and evidence are excluded from the scope of Article 31 of the Regulation,

Comprehensive concept for private international law

1. Encourages the Commission to review the interrelationship between the different regulations addressing jurisdiction, enforcement and applicable law; considers that the general aim should be a legal framework which is consistently structured and easily accessible; considers that for this purpose, the terminology in all subject-matters and all the concepts and requirements for similar rules in all subject-matters should be unified and harmonised (e.g. *lis pendens*, jurisdiction clauses, etc.) and the final aim might be a comprehensive codification of private international law;

Abolition of exequatur

2. Calls for the requirement for exequatur to be abolished, but considers that this must be balanced by appropriate safeguards designed to protect the rights of the party against whom enforcement is sought; takes the view therefore that provision must be made for an exceptional procedure available in the Member State in which enforcement is sought; considers that this procedure should be available on the application of the party against whom enforcement is sought to the court indicated in the list in Annex III to the Regulation; takes the view that the grounds for an application under this exceptional procedure should be the following: (a) that recognition is manifestly contrary to public policy in the Member State in which recognition is sought; (b) where the judgment was given in default of appearance, that the defendant was not served with the document which instituted the proceedings or with an equivalent document in sufficient time and in such a way as to enable him to arrange for his defence, unless the defendant failed to commence proceedings to challenge the judgment when it was possible for him to do so; (c) that the judgment is irreconcilable with a judgment given in a dispute between the same parties in the Member State in which recognition is sought, and (d) that the judgment is irreconcilable with an earlier judgment given in another Member State or in a third State involving the same cause of action and between the same parties, provided that the earlier judgment fulfils the conditions necessary for its recognition in the Member State addressed; further considers that an application should be able to be made to a judge even before any steps are taken by way of enforcement and that if that judge rules that the application is based on serious grounds, he or she should refer the matter to the court indicated in the list in Annex III for examination on the basis of the grounds set out above; advocates the addition of a recital in the preamble to the effect that a national court may penalise a vexatious or unreasonable application, *inter alia*, in the order for costs;

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3. Encourages the Commission to initiate a public debate on the question of public policy in connection with private international law instruments;
4. Considers that there must be a harmonised procedural time-frame for the exceptional procedure referred to in paragraph 2 so as to ensure that it is conducted as expeditiously as possible, and that it must be ensured that the steps which may be taken by way of enforcement until the time-limit for applying for the exceptional procedure has expired or the exceptional procedure has been concluded are not irreversible; is particularly concerned that a foreign judgment should not be enforced if it has not been properly served on the judgment debtor;
5. Argues not only that there must be a requirement for a certificate of authenticity as a procedural aid so as to guarantee recognition, but also that there should be a standard form for that certificate; considers, to this end, that the certificate provided for in Annex V should be refined, while obviating as far as possible any need for translation;
6. Believes that, in order to save costs, the translation of the decision to be enforced could be limited to the final order (operative part and summary grounds), but that a full translation should be required in the event that an application is made for the exceptional procedure;

Authentic instruments

7. Considers that authentic instruments should not be directly enforceable without any possibility of challenging them before the judicial authorities in the State in which enforcement is sought; takes the view therefore that the exceptional procedure to be introduced should not be limited to cases where enforcement of the instrument is manifestly contrary to public policy in the State addressed since it is possible to conceive of circumstances in which an authentic act could be irreconcilable with an earlier judgment and the validity (as opposed to the authenticity) of an authentic act can be challenged in the courts of the State of origin on grounds of mistake, misrepresentation, *etc.* even during the course of enforcement;

Scope of the Regulation

8. Considers that maintenance obligations within the scope of Regulation (EC) No 4/2009/EC should be excluded from the scope of the Regulation, but reiterates that the final aim should be a comprehensive body of law encompassing all subject-matters;
9. Strongly opposes the (even partial) abolition of the exclusion of arbitration from the scope;
10. Considers that Article 1(2)(d) of the Regulation should make it clear that not only arbitration proceedings, but also judicial procedures ruling on the validity or extent of arbitral competence as a principal issue or as an incidental or preliminary question, are excluded from the scope of the Regulation; further considers that a paragraph should be added to Article 31 providing that a judgment shall not be recognised if, in giving its decision, the court in the Member State of origin has, in deciding a question relating to the validity or extent of an arbitration clause, disregarded a rule of the law of arbitration in the Member State in which enforcement is sought, unless the judgment of that Member State produces the same result as if the law of arbitration of the Member State in which enforcement is sought had been applied;
11. Considers that this should also be clarified in a recital;

Choice of court

12. Advocates, as a solution to the problem of 'torpedo actions', releasing the court designated in a choice-of-court agreement from its obligation to stay proceedings under the *lis pendens* rule; considers that this should be coupled with a requirement for any disputes on jurisdiction to be decided expeditiously as a preliminary issue by the chosen court and backed up by a recital stressing that party autonomy is paramount;

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13. Considers that the Regulation should contain a new provision dealing with the opposability of choice-of-court agreements against third parties; takes the view that such provision could provide that a person who is not a party to the contract will be bound by an exclusive choice-of-court agreement concluded in accordance with the Regulation only if: (a) that agreement is contained in a written document or electronic record; (b) that person is given timely and adequate notice of the court where the action is to be brought; (c) in contracts for carriage of goods, the chosen court is (i) the domicile of the carrier; (ii) the place of receipt agreed in the contract of carriage; (iii) the place of delivery agreed in the contract of carriage, or (iv) the port where the goods are initially loaded on a ship or the port where the goods are finally discharged from a ship; considers that it should further be provided that, in all other cases, the third party may bring an action before the court otherwise competent under the Regulation if it appears that holding that party to the chosen forum would be blatantly unfair;

Forum non conveniens

14. Suggests, in order to avoid the type of problem which came to the fore in *Owusu*, a solution on the lines of Article 15 of Regulation (EC) No 2201/2003 so as to allow the courts of a Member State having jurisdiction as to the substance to stay proceedings if they consider that a court of another Member State or of a third country would be better placed to hear the case, or a specific part thereof, thus enabling the parties to bring an application before that court or to enable the court seised to transfer the case to that court with the agreement of the parties; welcomes the corresponding suggestion in the proposal for a regulation on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession ⁽¹⁾;

Operation of the Regulation in the international legal order

15. Considers, on the one hand, that the question whether the rules of the Regulation should be given reflexive effect has not been sufficiently considered and that it would be premature to take this step without much study, wide-ranging consultations and political debate, in which Parliament should play a leading role, and encourages the Commission to initiate this process; considers, on the other hand, that, in view of the existence of large numbers of bilateral agreements between Member States and third countries, questions of reciprocity and international comity, the problem is a global one and a solution should also be sought in parallel in the Hague Conference through the resumption of negotiations on an international judgments convention; mandates the Commission to use its best endeavours to revive this project, the Holy Grail of private international law; urges the Commission to explore the extent to which the 2007 Lugano Convention ⁽²⁾ could serve as a model and inspiration for such an international judgments convention;

16. Considers in the meantime that the Community rules on exclusive jurisdiction with regard to rights *in rem* in immovable property or tenancies of immovable property could be extended to proceedings brought in a third State;

17. Advocates amending the Regulation to allow reflexive effect to be given to exclusive choice-of-court clauses in favour of third States' courts;

18. Takes the view that the question of a rule overturning *Owens Bank* should be the subject of a separate review;

Definition of domicile of natural and legal persons

19. Takes the view that an autonomous European definition (ultimately applicable to all European legal instruments) of the domicile of natural persons would be desirable, in order in particular to avoid situations in which persons may have more than one domicile;

⁽¹⁾ COM(2009)0154, Article 5.

⁽²⁾ OJ L 147, 10.6.2009, p. 5.

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20. Rejects a uniform definition of the domicile of companies within the Brussels I Regulation, since a definition with such far-reaching consequences should be discussed and decided within the scope of a developing European company law;

Interest rates

21. Considers that the Regulation should lay down a rule so as to preclude an enforcing court from declining to give effect to the automatic rules on interest rates of the court of the State of origin and applying instead its national interest rate only from the date of the order authorising enforcement under the exceptional procedure;

Industrial property

22. Considers that, in order to overcome the problem of 'torpedo actions', the court second seised should be relieved from the obligation to stay proceedings under the *lis pendens* rule where the court first seised evidently has no jurisdiction; rejects the idea, however, that claims for negative declaratory relief should be excluded altogether from the first-in-time rule on the ground that such claims can have a legitimate commercial purpose; considers, however, that issues concerning jurisdiction would be best resolved in the context of proposals to create a Unified Patent Litigation System;

23. Considers that the terminological inconsistencies between Regulation (EC) No 593/2008 ('Rome I') ⁽¹⁾ and Regulation (EC) No 44/2001 should be eliminated by including in Article 15(1) of the Brussels I Regulation the definition of 'professional' incorporated in Article 6(1) of the Rome I Regulation and by replacing the expression 'contract which, for an inclusive price, provides for a combination of travel and accommodation' in Article 15(3) of the Brussels I Regulation by a reference to the Package Travel Directive 90/314/EEC ⁽²⁾ as in Article 6(4)(b) of the Rome I Regulation;

Jurisdiction over individual contracts of employment

24. Calls on the Commission to consider, having regard to the case-law of the Court of Justice, whether a solution affording greater legal certainty and suitable protection for the more vulnerable party might not be found for employees who do not carry out their work in a single Member State (e.g. long distance lorry drivers, flight attendants);

Rights of the personality

25. Believes that the rule in *Shevill* needs to be qualified; considers, therefore, that, in order to mitigate the alleged tendency of courts in certain jurisdictions to accept territorial jurisdiction where there is only a weak connection with the country in which the action is brought, a recital should be added to clarify that, in principle, the courts of that country should accept jurisdiction only where there is a sufficient, substantial or significant link with that country; considers that this would be helpful in striking a better balance between the interests at stake;

Provisional measures

26. Considers that, in order to ensure better access to justice, orders aimed at obtaining information and evidence or at preserving evidence should be covered by the notion of provisional and protective measures;

27. Believes that the Regulation should establish jurisdiction for such measures at the courts of the Member State where the information or evidence sought is located, in addition to the jurisdiction of the courts having jurisdiction with respect to the substance;

⁽¹⁾ Regulation (EC) No 593/2008 of the European Parliament and the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

⁽²⁾ Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours (OJ L 158, 23.6.1990, p. 59).

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28. Finds that 'provisional, including protective measures' should be defined in a recital in the terms used in the *St Paul Dairy* case;

29. Considers that the distinction drawn in *Van Uden*, between cases in which the court granting the measure has jurisdiction over the substance of the case and cases in which it does not, should be replaced by a test based on the question of whether measures are sought in support of proceedings issued or to be issued in that Member State or a non-Member State (in which case the restrictions set out in Article 31 should not apply) or in support of proceedings in another Member State (in which case the Article 31 restrictions should apply);

30. Urges that a recital be introduced in order to overcome the difficulties posed by the requirement recognised in *Van Uden* for a 'real connecting link' to the territorial jurisdiction of the Member State court granting such a measure, to make it clear that in deciding whether to grant, renew, modify or discharge a provisional measure granted in support of proceedings in another Member State, Member State courts should take into account all of the circumstances, including (i) any statement by the Member State court seised of the main dispute with respect to the measure in question or measures of the same kind, (ii) whether there is a real connecting link between the measure sought and the territory of the Member State in which it is sought, and (iii) the likely impact of the measure on proceedings pending or to be issued in another Member State;

31. Rejects the Commission's idea that the court seised of the main proceedings should be able to discharge, modify or adapt provisional measures granted by a court from another Member State since this would not be in the spirit of the principle of mutual trust established by the Regulation; considers, moreover, that it is unclear on what basis a court could review a decision made by a court in a different jurisdiction and which law would apply in these circumstances, and that this could give rise to real practical problems, for example with regard to costs;

Collective redress

32. Stresses that the Commission's forthcoming work on collective redress instruments may need to contemplate special jurisdiction rules for collective actions;

Other questions

33. Considers, on account of the special difficulties of private international law, the importance of Union conflicts-of-law legislation for business, citizens and international litigators and the need for a consistent body of case-law, that it is time to set up a special chamber within the Court of Justice to deal with references for preliminary rulings relating to private international law;

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

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Social integration of women belonging to ethnic minority groups

P7_TA(2010)0305

European Parliament resolution of 7 September 2010 on the social integration of women belonging to ethnic minority groups (2010/2041(INI))

(2011/C 308 E/07)

The European Parliament,

- having regard to Articles 2 and 3 of the Treaty on European Union,
- having regard to Part Two of the Treaty on the Functioning of the European Union, which sets out the obligation for the European Union to combat discrimination,
- having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ⁽¹⁾, Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ⁽²⁾, Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation ⁽³⁾ and Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services ⁽⁴⁾,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Article 21,
- having regard to the Universal Declaration of Human Rights ⁽⁵⁾, the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) ⁽⁶⁾ and the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities ⁽⁷⁾,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),
- having regard to the Stockholm Programme ⁽⁸⁾,
- having regard to the Lisbon Strategy and the EU 2020 Strategy, which is currently under development,
- 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) ⁽⁹⁾,
- having regard to its resolution of 1 June 2006 on the situation of Roma women in the European Union ⁽¹⁰⁾,

⁽¹⁾ OJ L 180, 19.7.2000, p. 22.

⁽²⁾ OJ L 303, 2.12.2000, p. 16.

⁽³⁾ OJ L 204, 26.7.2006, p. 23.

⁽⁴⁾ OJ L 373, 21.12.2004, p. 37.

⁽⁵⁾ Adopted by General Assembly resolution 217A (III) of 10 December 1948.

⁽⁶⁾ Adopted by General Assembly resolution 34/180 of 18 December 1979.

⁽⁷⁾ Adopted by General Assembly resolution 47/135 of 18 December 1992.

⁽⁸⁾ Council of the European Union document Nr. 5731/10 of 3 March 2010.

⁽⁹⁾ OJ L 301, 20.11.2007, p. 3.

⁽¹⁰⁾ OJ C 298 E, 8.12.2006, p. 283.

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- having regard to its resolution of 27 September 2007 on equal treatment between persons irrespective of racial or ethnic origin ⁽¹⁾,
 - having regard to its resolution of 24 October 2006 on women's immigration: the role and place of immigrant women in the European Union ⁽²⁾,
 - having regard to its resolution of 14 January 2009 on the situation of fundamental rights in the European Union 2004-2008 ⁽³⁾,
 - having regard to its resolution of 6 May 2009 on the active inclusion of people excluded from the labour market ⁽⁴⁾,
 - having regard to its resolution of 10 February 2010 on equality between women and men in the European Union – 2009 ⁽⁵⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Women's Rights and Gender Equality (A7-0221/2010),
- A. whereas the Treaty on European Union and the Charter of Fundamental Rights of the European Union set out the values on which the EU is founded, but whereas in practice not all people living in the EU benefit fully from the Charter of Fundamental Rights, especially women belonging to ethnic minority groups, including those who are victims of violence, trafficking and poverty; whereas, furthermore, these values are common to the societies of all the Member States, in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail,
- B. whereas Article 21 of the Charter of Fundamental Rights of the European Union prohibits any discrimination based on membership of a national minority; whereas, however, numerous ethnic minority communities living in the EU are still victims of discrimination, social exclusion and segregation,
- C. whereas equal treatment is a basic right, not a privilege, of all citizens, and whereas tolerance should be a general attitude to life, not a favour granted to some; whereas all forms of discrimination must be fought with equal intensity,
- D. whereas ethnic minority women are disadvantaged not only in comparison with majority women, but also in comparison with ethnic minority men,
- E. whereas an integrated EU approach is crucial for a coherent policy on the social inclusion of ethnic minority women, including measures that combat discrimination and help provide access to housing, employment, education, health care and social services, and foster respect for fundamental rights,
- F. whereas there is no universally accepted legal definition of ethnic minority groups; whereas the principles of equal opportunities and equal treatment based on mutual respect, understanding and acceptance should be a cornerstone of the EU's policies in respect of all its inhabitants, regardless of their background,

⁽¹⁾ OJ C 219 E, 28.8.2008, p. 317.

⁽²⁾ OJ C 313 E, 20.12.2006, p. 118.

⁽³⁾ OJ C 46 E, 24.2.2010, p. 48.

⁽⁴⁾ Texts adopted, P6_TA(2009)0371.

⁽⁵⁾ Texts adopted, P7_TA(2010)0021.

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- G. whereas equal access for all to quality education enhances labour market inclusion and overall quality of life; whereas, however, in some Member States ethnic minority populations are excluded from full and equal participation in mainstream education systems; whereas, in order to ensure the development of a democratic, open-minded society within the EU, education systems must transmit the values of tolerance and equality,
- H. whereas integration policies for third country nationals benefit from a stronger gender perspective, which is essential in order to ensure that the specific needs of women belonging to ethnic minority groups are taken into account,
- I. whereas immigration and asylum policies and legislation should promote the inclusion of women belonging to ethnic minority groups,
- J. whereas a targeted approach to the social inclusion of women belonging to ethnic minorities is needed in order to avoid multiple discrimination, stereotyping, stigmatisation and ethnic segregation,
- K. whereas differences in culture, tradition and/or religion should not act as obstacles to the inclusion of women belonging to ethnic minority groups,
- L. whereas collecting disaggregated data is a prerequisite for protecting and promoting the human rights of women and ethnic minorities, and whereas, owing to the absence of statistics, many problems remain impossible to identify, meaning no targeted policy is adopted,
- M. whereas there is a wide range of suitable instruments and policies available for ensuring the inclusion of women belonging to ethnic minority groups, but whereas there is an implementation gap at national level and a lack of coordination at EU level,
- N. whereas in the majority of cases women belonging to ethnic minority groups face multiple discrimination and are more vulnerable to social exclusion, poverty and extreme human rights violations, such as trafficking in human beings and coercive sterilisation, than the women belonging to mainstream society and minority group men,
- O. whereas the lower socio-economic status of many ethnic minority women translates in practice into limitations on the exercise of their fundamental rights and lack of access to resources, including reproductive and sexual health resources, and makes the inclusion process more difficult,
- P. whereas the health status of women affects not only their own health but that of their children,
- Q. whereas women's active participation in society and the successful inclusion of women will have a positive effect on their children and on future generations,
- R. whereas social exclusion of women belonging to ethnic minorities can lead to difficulties in respect of economic independence, which may result in direct and indirect costs for the community and public budgets,
- S. whereas women from ethnic minority groups are more vulnerable to the different forms of male violence and exploitation when they are less integrated than women belonging to mainstream society,
- T. whereas social inclusion would benefit from increased, regular consultation of women belonging to ethnic minority groups at local, regional, national and EU level,

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1. Stresses that there is no universally accepted legal definition of ethnic minority groups, and that this concept covers a wide range of situations faced by different ethnic groups within the EU Member States;
2. Urges the Commission and the Member States, in collaboration with NGOs and civil society groups, to provide for the regular collection and analysis of gender- and ethnicity-disaggregated data in accordance with the Member States' rules on the protection of personal data relating to issues connected with social inclusion, such as access to education, the labour market, social security, the health system and housing;
3. Takes the view that it is of primary importance to implement existing legislation in a timely manner, and thus to transpose the directives in the Member States; takes the view that more structured coordination of EU, national, regional and local policies concerning ethnic minority groups is needed in order to have a lasting impact and achieve better policies at EU, national, regional and local level, and encourages policy-makers at all levels to consult the women whose rights are affected, along with their communities and organisations active in this field, on policies and measures designed to improve the social inclusion of ethnic minority women;
4. Highlights the importance of education on the acceptance of different cultures and the impact of discrimination and prejudice; notes that responsibility for effective inclusion lies with both ethnic minorities and mainstream society, both of which must make an effort to integrate with one another if social unity is to be achieved;
5. Calls on the Commission and the Member States to adopt measures aimed at preventing the de-skilling of women belonging to ethnic minorities by providing better access to the labour market, including access to affordable, high-quality childcare, and ensuring access to education, training and vocational training; calls for the effective implementation of policies that target women belonging to ethnic minority groups and introduce clear, speedy procedures for the recognition of skills and qualifications;
6. Notes the importance of role models in integration and supports the exchange of best practices from those Member States with more experience of preventing social exclusion; encourages policy-makers at EU, national, regional and local level to consult ethnic minority women's organisations on policies and measures geared towards the social inclusion of ethnic minority women; urges the Commission and the Member States to propose measures designed to promote the existence of intercultural and socio-cultural mediators within the EU;
7. Takes the view that the process of inclusion must be initiated at an early stage in life, in order effectively to provide alternatives to poverty and social exclusion; maintains, therefore, that it is necessary to provide an institutional framework for community-based social and educational services for children and families which meet regional and personal needs, guaranteeing equal access to high-quality services, calls on the Commission, therefore, to provide particular support for programmes geared to early inclusion;
8. Calls on the Commission, through the European Social Fund, and on the Member States, through national social funds, to promote entrepreneurship opportunities specifically aimed at women from ethnic minority groups, by facilitating entrepreneurship seminars and workshops and publicising development projects;
9. Calls on the Commission and the Member States, in collaboration with NGOs, to carry out awareness-raising campaigns aimed at ethnic minority women as well as the general public, and to ensure the full implementation of the relevant provisions in order to combat discriminatory cultural habits and patriarchal role models, to prevent polarisation and tackle the prevalent sexist stereotypes and social stigmatisation which underpin violence against women, and to ensure that there is no justification of violence on the grounds of customs, traditions or religious considerations;
10. Stresses that more cross-sectoral research and indicators in relation to the impact of discrimination and social exclusion on women belonging to ethnic minority communities within the EU are needed in order to inform targeted integration policies; encourages, in this regard, the Commission – especially its DG Research – to fund such research projects;

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11. Encourages the active political and social participation of women belonging to ethnic minority groups in all areas of society, including political leadership, education and culture, so as to combat the current underrepresentation;
12. Points out that women's economic independence and empowerment are key factors in ensuring their full participation in mainstream society;
13. Calls on the Member States to respect the fundamental rights of all women, including ethnic minority women, and in particular their access to health care, justice, legal aid, legal information and housing;
14. Encourages the Commission, the Member States and regional and local authorities to make active efforts to improve and facilitate access to education, with particular emphasis on language learning (especially the official languages of the country in question) and access to lifelong learning and higher education, for women and girls belonging to ethnic minority groups in order to avoid a gender gap in education that may lead to labour market exclusion and poverty;
15. Stresses that women from ethnic minority groups need access to health care information in different languages; stresses the importance of intercultural training for health care providers in partnership with ethnic minority women's groups;

Gender equality

16. Urges the Commission to take the gender aspect into account when deciding on policies and measures geared towards social inclusion;
17. Calls on the Member States to take measures to ensure access to support services aimed at preventing gender-based violence and protecting women from such violence regardless of their legal status, race, age, sexual orientation, ethnic origin or religion;
18. Calls on the Commission and the Member States to ensure that existing gender equality and anti-discrimination legislation is fully implemented, by making resources available for targeted training and awareness-raising measures about the rights women belonging to ethnic minorities already have and the ways in which they may remedy any infringement of their rights;
19. Calls on the Member States to ensure the protection of victims of multiple discrimination, among whom ethnic minority women represent a big group, by adding explicit clauses and binding regulations on multiple discrimination to the legal system;
20. Insists on the active involvement of the European Institute for Gender Equality in collecting data and carrying out research on integration issues concerning ethnic minority women, consistently applying the principle of gender mainstreaming and promoting priorities in the area of social inclusion;
21. Calls on the Fundamental Rights Agency to include a transversal gender equality and women's rights perspective in all aspects of the multiannual framework and its subsequent activities, including those on ethnic discrimination and on the fundamental rights of Roma;
22. Calls on the European Institute for Gender Equality systematically to collect data disaggregated by gender and ethnicity as well as other grounds, and to present gender- and ethnicity-disaggregated results; emphasises the need for suitable data gathering and data protection mechanisms in order to prevent the misuse of data for purposes such as racial profiling;

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23. Points out the crucial role of national equality bodies in providing support and assistance to victims of discrimination and informing them about their rights and obligations; calls on the Member States to ensure that national equality bodies are efficient and independent and to provide them with sufficient financial and human resources for each ground of discrimination, along with multiple discrimination; calls on national equality bodies to develop tools and training in relation to multiple discrimination, including the specific situation of ethnic minority women;

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

Role of women in an ageing society

P7_TA(2010)0306

European Parliament resolution of 7 September 2010 on the role of women in an ageing society (2009/2205(INI))

(2011/C 308 E/08)

The European Parliament,

- having regard to the Commission Communication of 29 April 2009 on 'Dealing with the impact of an ageing population in the EU (2009 Ageing Report)' (COM(2009)0180),
- having regard to the Commission staff working document of 11 May 2007 on 'Europe's demographic future: facts and figures' (SEC(2007)0638),
- having regard to the Commission Communication of 10 May 2007 on 'Promoting solidarity between the generations' (COM(2007)0244),
- having regard to the Commission Communication of 12 October 2006 on 'The demographic future of Europe – from challenge to opportunity' (COM(2006)0571),
- having regard to the Commission Communication of 1 March 2006 entitled 'A Roadmap for equality between women and men 2006-2010' (COM(2006)0092),
- having regard to the Charter of Fundamental Rights of the European Union, particularly Articles 23 and 25 thereof, on gender equality and the rights of the elderly, as well as Articles 34, 35 and 36 of the Charter, which specifically define the right to social and housing assistance, a high level of human health protection and access to services of general economic interest,
- having regard to Article 2 of the Treaty on European Union, which emphasises values common to the Member States such as pluralism, non-discrimination, tolerance, justice, solidarity, and equality between men and women,
- having regard to Article 19 of the Treaty on the Functioning of the European Union which refers to combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation,
- having regard to the European Pact for Gender Equality adopted by the European Council in March 2006 ⁽¹⁾,

⁽¹⁾ Bulletin EU 3-2006, point I.13.

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- having regard to the ILO (International Labour Organisation) Older Workers Recommendation R 162, 1980,
 - having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
 - having regard to its resolution of 3 February 2009 ⁽¹⁾ on non-discrimination based on sex and inter-generational solidarity,
 - having regard to its resolution of 15 January 2009 on the transposition and application of Directive 2002/73/EC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions ⁽²⁾,
 - having regard to its resolution of 21 February 2008 on the demographic future of Europe ⁽³⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Women's Rights and Gender Equality (A7-0237/2010),
- A. whereas the ageing of society is too often seen in negative terms, i.e. in terms of challenges to the age structure of the labour force and the sustainability of social protection and health care, although older people also represent an economic resource and a fund of experience and offer key community and family support as carers for dependents and as labour consultants, given their wide professional experience, as well as helping to maintain rural communities,
- B. whereas the 2006-2010 Roadmap for gender equality has highlighted gaps in the achievement of full gender equality, and has, in some cases, driven the gender equality agenda forward, but overall progress has been modest,
- C. whereas the current economic and social crisis is having particularly serious consequences for women and especially for aged women and the services provided to them, exacerbating inequalities and discrimination based not only on gender but also on age and state of health,
- D. whereas elderly people face a higher risk of poverty than the general population, reaching a rate of around 19 % of those aged 65 years and over in 2008 in the EU-27, while in 2005 the figure was 19 % and in 2000 it was 17 %, and whereas women aged over 65 years are at high risk of poverty (the at-risk-of-poverty rate is 22 %, i.e. 5 points higher than for men),
- E. whereas the EU-27 population is projected to grow older, with the proportion of the population aged 65 and over rising from 17,1 % in 2008 to 30 % in 2060, and rising for people aged 80 and over from 4,4 % to 12,1 % over the same period,
- F. whereas the working population is predicted to become relatively smaller, and the inclusion of groups currently not active in the labour market becomes increasingly important,
- G. whereas gender is a significant factor in ageing as life expectancy is about six years longer for women than for men, with statistics for the EU-27 in 2007 showing men living to 76 years old and women to 82 years old, and whereas, contrastingly, Eurostat figures show that the gap between the healthy life expectancy of men and women is much narrower: 61.6 years for men and 62.3 years for women,

⁽¹⁾ OJ C 67 E, 12.03.2010, p. 31.

⁽²⁾ OJ C 46 E, 24.2.2010, p. 95.

⁽³⁾ OJ C 184 E, 6.8.2009, p. 75.

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H. whereas women are traditionally at greater risk of poverty and limited pensions, especially women aged over 65, who are often in receipt of pensions barely above the minimum subsistence level for various reasons such as the wide gender pay gap, which directly affects pension rights, the fact that they have taken a break from or stopped work to take on family responsibilities, or the fact that they have worked in their husband's undertaking, mainly in the business and agriculture sectors, without remuneration and without social security affiliation, and whereas in times of economic recession the risk of falling into poverty is even greater for these women,

1. Welcomes the Communication from the Commission on dealing with the impact of an ageing population but regrets, however, that the definitions, statistics and situations considered are not sufficiently based on an awareness of gender inequalities in older age, which result mainly from accumulated gender-based disadvantages during a whole lifetime;

2. Endorses the Commission's focus on the strategy decided by the Stockholm European Council in 2001 ⁽¹⁾ as a long-term guide to dealing with the challenges and possibilities that ageing creates in societies; endorses also the Communication's proposal that a comprehensive and multidisciplinary approach should be taken to ageing as well as to creating opportunities, especially in the field of markets for products and services geared to the needs of older people and the needs of the informal carers of dependent people; calls on the Commission to pay special attention to the protection of older people's consumer rights since they are too often misled or taken advantage of;

3. Calls on the institutions to create a more positive attitude towards ageing as well as raising EU citizens' awareness of ageing issues and its real effects; urges the Commission to tackle the burden-oriented attitude towards ageing by, for example launching a study on the effects and potential of the silver economy in which older women are active subjects; warmly welcomes the Commission's initiative to launch 2012 as a year of active ageing and intergenerational solidarity;

4. Sees adopting a life course approach, in which the interconnections of ageing and gender are taken into account, as the way forward in ageing policies; sees also adopting an age and gender approach in which age and gender mainstreaming become an indispensable method and instrument in policy-making in all relevant fields (economic, social, employment, public health, food safety, consumers rights, digital agenda, rural and urban development, and so on) as the way forward in creating more social inclusion and social cohesion;

Tackling age discrimination

5. Calls for the anti-discrimination directive to be adopted as soon as possible;

6. Recognises that age discrimination must also be tackled with more effective judicial measures and with more accessible procedures, especially in cases of discrimination in working life where specific legislation exists and where support for the individual and investigation of the circumstances are essential; therefore, calls on Member States to ensure that the necessary legislation to tackle age and other forms of discrimination is effectively implemented;

7. Calls for a more rights-based approach to ageing so that older people can act as empowered subjects instead of objects;

8. Asks for more resources and research and the development of existing monitoring mechanisms, as age discrimination is seldom recognised and tackled; recognises that greater awareness in the Member States is needed and would welcome input from the Fundamental Rights Agency and the new European Institute for Gender Equality;

⁽¹⁾ Presidency Conclusions of the Stockholm European Council of 23 and 24 March 2001.

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9. Highlights the need to recognise the multiple discrimination that older women often face in societies where they are subject to discrimination on the basis of their age, gender, state of health and disability;

10. Is deeply concerned by the extent to which the most vulnerable groups of women are subject to multiple discrimination: migrant women, women with disabilities, homosexual women, women who belong to minorities, women with few qualifications and elderly women, as they suffer discrimination on the basis of age, gender, ethnicity and sexual or religious orientation, etc., and calls for positive discrimination measures;

11. Asks the Member States to conduct fully-fledged campaigns to raise awareness of the fundamental role that older people play in society and the need to enable older women to play an active role, inter alia by promoting small trades and crafts;

12. Calls on the Commission and Member States to take into account the specific situation of older LBT women;

Reconciling work and care

13. Calls on Member States to introduce new types of leave that make it possible to take paid leave for caring duties other than parental leave, and promote a more equal division of unpaid care between women and men, because informal care in the home restricts a carer's possibilities of working outside the home; takes the view that in this context one way to reduce poverty amongst older women is to support arrangements, such as part-time work and job-sharing, that provide the option of flexible working; stresses in this context, however, that the employment rights of flexible workers must be equal to those of full-time workers; points out that unemployment among older women must be tackled in order to achieve the employment objectives of the EU 2020 Strategy;

14. Asks that the Member States develop mechanisms to ensure that the accumulation of pension rights is sufficient even during those times when the income level of a carer is temporarily lower due to caring duties, a situation which mainly concerns women; asks the Commission to launch a study on the different impacts that pension systems in the Member States have on women and men;

15. Calls on the Member States to take into account the gender dimension when reforming pension systems and adapting the retirement age, considering the differences between women and men in work patterns and the higher risk of discrimination against older women in the labour market;

16. Calls on the Member States to promote forms of mutual assistance that bridge the gap between young and older people, harnessing the enthusiasm of the former and the experience of the latter;

Health, care and social services

17. Calls for a rights-based approach to be taken in order to enable older people to play an active role when decisions are made on the choice and the design of the care and social services and treatments provided for them whenever options exist; calls also for a demands-based approach to be implemented in regard to the provision of any type of care services in order to enable older people to live independently for as long as they wish;

18. Calls for policies to be promoted to provide support within nuclear families, enabling people to decide whether to opt to care for elderly family members themselves or to call on supplementary social services; such assistance should be equally remunerated in both cases;

19. Emphasises that public and private services should be easily accessible, of high quality and affordable for older people and that the structure of public and private services should support the longest possible period of care at home;

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20. Considers that a comprehensive support policy is needed for informal carers, the majority of whom are women, encompassing their status, benefits and social security rights, the provision of social services and support services, availability of professional care services, etc.;
21. Stresses that volunteer work or informal care that often rests on women's shoulders should not make up for social care deficiencies and asks for proper social measures to be put in place to allow women to engage in chosen paid activities;
22. Calls for the establishment at Member State level of assistance packages involving programmes of measures to enhance employability, mitigate the impact of unemployment and raise employment levels among people over 50 years of age;
23. Points out that the quality of care should be ensured in order to improve the quality of old age and also in order to avoid the physical, sexual, psychological and economic abuse that is often inflicted on the elderly; emphasises that people living in public and private institutions for elderly care should have the right to participate in the decision-making of these institutions through board and administration structures; considers that Member States should ensure that those employed as carers of older people in the public and private sectors receive continuous training and regular evaluation of their performances and that a greater economic value be given to their work, including pay, insurance, and working conditions;
24. Calls on the Member States to offer incentives for the provision of training in psychological and physical assistance for older people and of appropriate facilities to accommodate them;
25. Encourages the transformation of nursing homes usually operating as hospitals to friendly establishments where the model of the family is applied, as a way to avoid institutionalisation;
26. Proposes that the launch of the European Action Plan on Alzheimer's Disease duly recognise older women's role in caring for people with dementia and is speedily implemented; considers, in addition, that national programmes are needed to map what measures could be taken to improve the quality of life of older women; proposes that the Alzheimer associations be consulted to map and implement these measures;
27. Asks that a gender perspective be taken into account when making medical diagnoses, to ensure that they are precise and that people receive appropriate treatment and care; asks that tools for diagnosis, health services and care not be restricted solely because of a patient's age and gender, so that screening for breast cancer, cervical cancer, lung cancer and colorectal cancer as well as cardiovascular screening, for example, should be available to elderly women; asks, in addition, that greater attention be given to the prevention and treatment of diseases to which older women are especially prone, such as osteoporosis and rheumatoid arthritis;
28. Asks that the gender and age perspective be used in recommendations concerning nutrition; asks also that the gender and age perspective be used in recommendations concerning food safety issues such as food labelling, health claims, REACH regulation and novel foods;
29. Points out that both technology and technical improvements can be important in adapting society to the needs of an ageing population; calls for innovations developed in close cooperation with older people to become more widely used, some examples of which are simplified mobile phones and Internet connections, smart sensors in specific products in order to reduce the number of accidents, trained dogs to assist people such as those suffering from diseases affecting the memory, etc., and calls for programmes especially designed on the basis of lifelong learning for elderly people to be supported by the state;
30. Calls for trials of medicines which are under development to study their effects on the bodies not only of men but also of women;

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31. Proposes that statistical surveys be carried out on the increase in violence against elderly people with the aim of casting light on this serious problem – which elderly people are normally incapable of reporting, since they may accept the ill-treatment they suffer as part and parcel of being old and dependent – and with a view to combating elder abuse more effectively and with greater commitment on the part of society as a whole;

32. Calls, with a view to preventing older women from becoming excluded from society, for targeted cultural and educational schemes to be set up and for older women to be involved in local community initiatives;

Moving ahead

33. Asks the Commission to propose by the end of 2011 an action plan containing:

- an examination of the need for more resources for scientific research on ageing,
- measures to ensure the quality of care and the quality of the working conditions of carers,
- changes to increase coherence in the area of social security, including pension schemes, care leaves and part-time working arrangements,
- a gender-sensitive concept of age-related diseases and measures for their optimum recognition and treatment,
- yearly reporting, based on the principles of the Charter of Fundamental Rights of the European Union and managed by the Fundamental Rights Agency at the institutional level and national agencies in the Member States, on the violation of older people's rights and on measures to be taken at EU and national level to abolish direct and hidden discrimination,
- non-legislative measures to tackle age discrimination, such as awareness-raising campaigns,
- mainstreaming of the perspective of older migrants and LGBT people,
- measures to support intergenerational solidarity, such as plans to support women who care for grandchildren while the parents are absent due to employment reasons,
- measures to make use of the knowledge and professional experience of older people, for example by setting up associations of older people to provide advice for job-seekers,
- exchange of best practice;

34. Asks the Commission to update and strengthen monitoring mechanisms regarding the implementation of fundamental rights issues by the end of 2012; calls also for increased awareness of these, often under-used, mechanisms as older people in general, and women in particular, are especially uninformed about their rights;

35. Affirms that every man and woman in the EU must have a right to adequate, affordable and quality social and health services of general interest, according to their specific needs and preferences; calls on the Commission to put forward a directive on basic services, which would take national conditions into consideration; emphasises that older women are especially vulnerable and invites the Commission to consider a system where all men and women in the EU are granted the right to a basic income that is dependent on the Member State's standard of living;

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36. Calls on the Commission to seek to ensure that Community funding is earmarked for projects involving, among others, socially disadvantaged single and older women;

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

Journalism and new media - creating a public sphere in Europe

P7_TA(2010)0307

European Parliament resolution of 7 September 2010 on journalism and new media – creating a public sphere in Europe (2010/2015(INI))

(2011/C 308 E/09)

The European Parliament,

- having regard to Title II of the Treaty on European Union,
- having regard to Articles 11, 41 and 42 of the Charter of Fundamental Rights of the European Union,
- having regard to the joint declaration of the European Parliament, the Council and the Commission entitled ‘Communicating Europe in Partnership’, signed on 22 October 2008 ⁽¹⁾,
- having regard to the Commission communication of 2 April 2008 entitled ‘Debate Europe – building on the experience of Plan D for Democracy, Dialogue and Debate’ (COM(2008)0158),
- having regard to the Commission communication of 24 April 2008 entitled ‘Communicating Europe through audiovisual media’ (SEC(2008)0506),
- having regard to the Commission communication of 21 December 2007 entitled ‘Communicating about Europe via the Internet – Engaging the citizens’ (SEC(2007)1742),
- having regard to the Commission working document of 3 October 2007 entitled ‘Proposal for an Inter-Institutional Agreement on Communicating Europe in Partnership’ (COM(2007)0569),
- having regard to Decision No 1904/2006/EC of the European Parliament and of the Council of 12 December 2006 establishing for the period 2007 to 2013 the programme Europe for Citizens to promote active European citizenship ⁽²⁾,
- having regard to the Commission communication of 1 February 2006 entitled ‘White Paper on a European Communication Policy’ (COM(2006)0035),
- having regard to its resolution of 16 November 2006 on the White Paper on a European communication policy ⁽³⁾,

⁽¹⁾ OJ C 13, 20.1.2009, p. 3.

⁽²⁾ OJ L 378, 27.12.2006, p. 32.

⁽³⁾ OJ C 314 E, 21.12.2006, p. 369.

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- having regard to the Commission communication of 13 October 2005 entitled ‘The Commission’s contribution to the period of reflection and beyond: Plan-D for Democracy, Dialogue and Debate’ (COM(2005)0494),
 - having regard to its resolution of 12 May 2005 on the implementation of the European Union’s information and communication strategy ⁽¹⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education (A7-0223/2010),
- A. whereas access to information for citizens and communication between policy-makers and voters are central elements of our representative democratic societies and a fundamental prerequisite for the exercise of the public’s right to full and informed democratic participation in national and EU public life,
- B. whereas the public have a right to be informed about the EU and its specific projects, to express their views on the EU and to be listened to; whereas for communicators the challenge lies specifically in facilitating that dialogue,
- C. whereas the last European elections did not reverse the trend of declining voter turnout, highlighting the need to continue efforts to overcome the distance between the EU and its citizens,
- D. whereas there is clear evidence of citizens being under-informed on EU policies and issues and, at the same time, wishing to be better informed, as reflected in the results of various Eurobarometer polls; whereas those polls indicate that this lack of information is one of the main reasons for people deciding not to vote and being reluctant to trust the EU institutions,
- E. whereas the Treaty of Lisbon has given Parliament more power in the context of EU decision-making, making it even more important for EU citizens to be aware of their elected representatives’ work,
- F. whereas the Lisbon Treaty introduces a new form of public involvement in the shaping of EU policies, the European citizens’ initiative; whereas public access to, and critical understanding of, information are of key importance to the success of the European citizens’ initiative,
- G. whereas a public sphere can be understood as a space in which public policies may be better understood by, and discussed with, all EU citizens and all sections of the population, in all its diversity, with a view to meeting their expectations more effectively, and whereas it must be a venue both for the provision of information and for wide-ranging consultations transcending national borders and fostering the development of a sense of shared public interest throughout the EU,
- H. whereas the term ‘new media’ is used to describe networked digital information and communication technologies; whereas those new technologies foster the dissemination of information and diversity of input and make for a more deliberative democracy; whereas electronic social media create new forms of public, which are physically dispersed but bound by a shared interest in the same topic, with the potential to create new transnational public spheres,
- I. whereas the use of social media platforms by Parliament in the 2009 European election campaign successfully increased the number of active users, especially among young people,

⁽¹⁾ OJ C 92 E, 20.4.2006, p. 403.

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- J. whereas there has been a change in the way young people perceive, use and exploit the media; whereas young people make wide-ranging use of the new technologies as a means of communication,
- K. whereas the creation of a European public sphere is closely related to the existence of pan-European or transnational media structures; whereas there is no overarching European public sphere at present, but whereas there are very lively national public spheres between which synergies should be developed, along the lines of, for example, the Franco-German television channel Arte,
- L. whereas, pursuant to the Protocol to the Treaty of Amsterdam on the system of public broadcasting in the Member States ⁽¹⁾, it is up to the Member States to define and organise the remit of public service broadcasting organisations,
- M. whereas legal regulations governing the media market differ widely among individual Member States, and need to be respected,
- N. whereas national media, and in particular public service broadcasters, have a special responsibility to inform the public extensively about political decision-making and governance, which should extend to EU affairs,
- O. whereas improving people's knowledge of the EU requires EU studies to be incorporated into the school curricula,
- P. whereas journalism is an important gauge of democracy and should guarantee free access to a wide range of views; whereas journalists and the media play a leading role in the European integration process,
- Q. whereas, in its search for public legitimacy in the Member States, the EU should foster the establishment of transnational media that can give Europe a new democratic and independent dimension, while tightening up the rules intended to safeguard pluralism and combat concentration of media ownership,
- R. whereas the emergence of new communication tools has transformed all branches of journalism and the media industry, prompting a rethink of the methods traditionally employed in the sector, enabling anyone to create and share content on blogs; whereas social networks have become a central Web 2.0 feature and have changed habits and brought a new dimension to news provision, as an increasing number of journalists are using such networks as a source of, or means of disseminating, information; whereas social media are used to some extent in researching and producing various types of article and are used by journalists to publish, share and promote their articles,
1. Takes as its starting point the fact that it must be the goal of the EU institutions to create together a European public sphere which is characterised by the opportunity for all EU citizens to participate, and the basis for which is free access, free of charge, to all Commission, Council and Parliament public information in all EU languages;
2. Welcomes the joint declaration of the European Parliament, the Council and the Commission entitled 'Communicating Europe in Partnership', and urges the EU institutions to respect and uphold this declaration;
3. Takes the view that EU news coverage must be provided by all types of media, in particular the mass media, and must be impartial, factual and independent, which is a central prerequisite for generating pan-European debate and creating a European public sphere;

⁽¹⁾ OJ C 340, 10.11.1997, p. 109.

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4. Notes that lack of online news and information on the EU and its institutions is not the problem, which in fact lies in the availability of a wide range of information without any real order of priority, leading to a situation in which too much information kills information; notes that all the institutions have launched their own news platforms, which fail, however, to interest a broad section of the public because often they are not sufficiently clear, attractive or understandable, in many cases owing to the use of overly technical language that is very off-putting for people who are unfamiliar with European issues; takes the view that there should be an introductory portal to the platforms which clarifies the workings of all the EU institutions;

5. Maintains that communication should be based on genuine dialogue between the general public and policy-makers and calm political debate between members of the public; wishes to see more interactive dialogue based less on institutional communication, which is often uninviting and too detached from people's everyday lives;

6. Believes that, in order to be effective, communication must make it clear that political decisions taken at EU level are of direct relevance to the daily lives of EU citizens, who see the EU as still being too distant and having too little influence in terms of solving their real problems;

7. Calls on the Commission to strengthen its communication policy and put it high on the list of priorities when the renegotiation of the post-2013 multiannual financial framework is due to start;

Member States

8. Recalls that under new Article 12 TEU national parliaments are involved in EU policy-making at an earlier stage than before, and encourages this involvement with a view to increasing the degree of EU political debate at national level; underlines the importance of involving national MPs in EU policy-making, and welcomes initiatives such as live participation by national MPs in EP committee meetings through webstreaming;

9. Stresses the important role played by political parties in shaping public opinion on European issues; points out that they play a leading role in fostering debate and contributing to the European public sphere; takes the view that they should give European issues a more prominent position in their programmes;

10. Believes that civil society organisations have an important role to play in the European debate; takes the view that their role should be enhanced by means of targeted cooperation projects in the public communication sphere;

11. Underlines the need for each Member State to have a specialised EU affairs office, with a person responsible for explaining the local, regional and national implications of EU policies and acting as a point of reference to whom people can direct their attention on EU matters;

12. Emphasises how important it is for press officers at the Commission representations and Parliament information offices in the Member States to be media professionals, whose task it is to play an active and visible role in national debates on European issues;

13. Points out that the European integration process needs to be brought closer to young people, and accordingly calls on the Member States and regions to consider – in order to familiarise pupils with the EU institutions – incorporating the EU more fully into all education curricula, focusing on the historical background, purpose and workings of the EU, and encourages them to exchange best practice in this area at EU level; believes that fully involving schools is of essential importance to EU communication policy, in order to reach out to and engage young people;

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Media and the EU

14. Welcomes the Commission and Parliament training schemes for journalists on EU matters, and calls for them to be extended in order to meet the increasing demand; expresses its concern about the cuts to the Commission's communication budget lines, especially the 'information for the media' budget;

15. Recognises the importance of Euronews extending its range of languages to cover all the EU Member States (and beyond) and to continue being a model of independent television journalism which will promote objectivity in news, quality in politics and transparency in advertising;

16. Stresses the crucial importance of respecting the media's freedom and editorial independence at both EU and national level, especially the right of public service radio and television broadcasters to schedule their programmes as they see fit, as their programme autonomy is a fundamental value of the EU and its media landscape and is extremely important in order for a free, open and democratic society to flourish;

17. Points out that social media have immense potential for reaching young people, and therefore encourages the Commission and Parliament to strengthen editorially independent media reporting, which is conducted at a distance from the state;

18. Stresses, in view of the media's special role as an intermediary in the process of shaping the democratic will and public opinion, the need for reliable political information, including in the area of new media; stresses the importance of fostering partnerships between public service and private media in order to reach a broader spectrum of the public;

19. Encourages the Commission and Parliament to strengthen further their commitment to educate and train staff in communication skills, enabling them to communicate with the media and with the public in order to improve the EU institutions' provision of information and communication; regards enhanced recruitment of media professionals in order to fulfil these requirements as essential;

20. Calls on the Commission to be open to all means of communication, to have greater contact with journalists and the media and to support all projects and initiatives aimed at better informing the public about EU affairs;

21. Suggests that the Commission promote and fund exchanges between broadcasters and other media professionals from different Member States in relation to best practice in covering the EU, including training the public service and private media sectors;

22. Finds the recent decrease in the number of accredited journalists in Brussels extremely worrying, and considers this new state of affairs to be in the interests of neither the EU institutions nor the accredited press in Brussels; calls, therefore, on the EU institutions – in order to support those currently in Brussels – to cooperate more closely with press representatives in Brussels and to display greater openness towards them; proposes in this respect that steps be taken to facilitate the accreditation procedure for journalists;

23. Welcomes the fact that many media operators, and in particular public service broadcasters, have made a significant investment in new interactive, non-linear media services covering news and current affairs, especially on the internet, which include European content and as a result are above all reaching a younger audience;

24. Recognises that public service broadcasters are not the only tool that can be used to get the EU's message across to its citizens, as empirical evidence suggests that private broadcasters are also a key resource for EU news coverage and can assist in the development and promotion of a European public sphere;

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25. Welcomes the pilot project on research grants for cross-border investigative journalism; takes the view that the independence of members of the selection panel is crucial to ensuring editorial independence;

26. Encourages an EU initiative to set up training programmes on EU affairs, especially for young journalists; maintains that steps should be taken to encourage journalists to produce regular news items on the work of the EU institutions; encourages the Member States to incorporate courses in journalism using new media into their school curricula;

Public service media

27. Stresses that, according to the 'Amsterdam Protocol', it is the competence of the Member States to define, organise and finance public service broadcasting; encourages the Member States, therefore, to include EU coverage when appropriate in accordance with editorial independence and journalistic ethics;

28. Stresses that national and regional public service broadcasters have a particular responsibility to inform the public about politics and policy-making at EU level; underlines, in this regard, that public broadcasters need to look critically, with full editorial independence, at their own EU coverage and to set ambitious targets;

29. Stresses that the Member States should ensure the independence of public service broadcasters, and that the latter have a responsibility to cover the EU in the context of their public service function of informing and supporting citizens and civil society;

30. Underlines the need for public service media to take on board communication techniques relying on the new media so as to increase their credibility via open public participation; encourages public service broadcasters, for example, to create online forums using webstreaming, where the public can follow and exchange views on debates in national parliaments and the European Parliament;

EU/local

31. Stresses the importance of ensuring that the EU institutions work alongside each other in improving communication activities; takes the view that the EU institutions should help to decentralise EU communication policy in order to give it a local and regional dimension so as to bring different levels of communication closer to one another, and should encourage the Member States to provide the public with more information on EU-related matters;

32. Calls on the Commission to continue with the 'going local' approach, with a view to making the EU more visible at local level;

33. Notes the Commission's work with, and funding of, local radio and TV networks; points out that broadcasters must have full editorial independence;

European Parliament

34. Suggests that a European Parliament working group, to be set up on a temporary basis, examine existing new media solutions and come up with proposals on how to create inter-parliamentary relationships between national or regional parliaments and the European Parliament;

35. Recognises the enhanced role of national parliaments and thus the importance of the European Parliament's information offices in the Member States; points out, however, that in order to become more visible they must adapt their mission statement to include strengthening links with national parliaments, local and regional authorities and representatives of civil society;

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36. Highlights the need for EP information offices to go local and provide targeted information about Parliament's decisions and activities to the general public; proposes that consideration be given to allowing the information offices greater independence in deciding how they communicate with the general public;

37. Takes the view that Parliament's information offices in the Member States should play a more influential role in involving national, regional and local media; suggests increasing the budget lines for Parliament's information offices, with the specific aim of ensuring better communication;

38. Believes that an assessment should be made of the value for money provided by EuroparlTV, on the basis of a comprehensive analysis of ratings and audiences; believes that EuroparlTV should be made more effective by further integrating it into Parliament's internet strategy while making appropriate adjustments to its status in order to ensure its editorial independence, and by making its content as widely available as possible for TV channels and online media wishing to use it;

39. Welcomes the fact that the European Parliament Prize for Journalism includes the category of new media;

Journalism and new media

40. Urges journalists and other media professionals to come together to discuss and consider the European journalism of tomorrow;

41. Stresses that the Member States must come up with viable concepts for the EU media that go beyond merely passing on information and enable them to contribute fully to the EU's cultural and linguistic diversity;

42. Stresses that, although social networks are a relatively good way of disseminating information rapidly, their reliability as sources cannot always be sufficiently guaranteed and they cannot be considered to be professional media; underlines that the way in which data is handled on social network platforms can in many cases be dangerous and give rise to serious breaches of journalistic ethics, and that caution is therefore required when taking up these new tools; emphasises the importance of drawing up a code of ethics applicable to new media;

43. Points out that changes to the way in which journalists pursue their profession are paving the way for more open and committed media serving communities that are increasingly well informed, but that steps must be taken to ensure that this is in the interests of journalism as a whole and does not affect the status of journalists;

44. Stresses the need for journalists and media professionals to remain alert to developments in their ever-changing professions and to take advantage of the possibilities offered by social networks, which are likely to enable them to expand their knowledge networks and facilitate what could be called 'web monitoring'; observes with interest that, despite the irreversible emergence of social networks, journalism has kept its key role in news broadcasting, since journalists use these highly diverse networks to carry out in-depth research and check facts, thus giving rise to a new model of participatory journalism and furthering the dissemination of information;

45. Highlights the crucial role of journalists in a modern society faced with a barrage of information, since they alone can bring significant added value to information by using their professionalism, ethics, skill and credibility to make sense of the news; points out that the quality and independence of the media can be guaranteed only by means of rigorous professional and social standards;

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

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Human rights in Iran - the case of Zahra Bahrami

P7_TA(2010)0310

European Parliament resolution of 8 September 2010 on the human rights situation in Iran, in particular the cases of Sakineh Mohammadi Ashtiani and Zahra Bahrami

(2011/C 308 E/10)

The European Parliament,

- having regard to its previous resolutions on Iran, notably those concerning human rights, and in particular those of 22 October 2009 ⁽¹⁾ and 10 February 2010 ⁽²⁾,
 - having regard to the statement by the President of the European Parliament on the occasion of the European Day against the Death Penalty on 9 October 2009 and the declaration of 11 August 2010 on the sentencing of the Baha'i leaders,
 - having regard to the statements of 14 June and 6 July 2010 by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy,
 - having regard to the report of the UN Secretary-General of 23 September 2009 on the situation of human rights in the Islamic Republic of Iran and the statement on Iran issued by the United Nations High Commissioner for Human Rights on 4 March 2010,
 - having regard to the resolutions adopted by the UN General Assembly, particularly Resolutions 62/149 and 63/168 concerning a moratorium on executions pending the abolition of the death penalty,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child, to all of which the Islamic Republic of Iran is a party,
 - having regard to the 1963 Vienna Convention on Diplomatic and Consular Relations,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas Iran continues to hold the sad record of being the country in the world which executes the most juvenile offenders, and whereas in 2010 alone some 2 000 death sentences have been handed down,
- B. whereas, according to reports, in Mashad's Vahil Abad Prison more than 100 prisoners have been executed on drug-related charges in the last few weeks alone, and whereas hundreds of others are awaiting execution in the next few days; whereas these mass executions, which were ordered, moreover, amid the utmost secrecy, represent a flagrant breach of international law,
- C. whereas, in spite of claims by the most senior members of the Iranian judiciary, Iran is still imposing the sentence of stoning for the crime of 'adultery', as in the case of Sakineh Mohammadi Ashtiani, which was highlighted in her televised 'confessions' on 11 August 2010,

⁽¹⁾ Texts adopted, P7_TA(2009)0060.

⁽²⁾ Texts adopted, P7_TA(2010)0016.

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- D. whereas in Iran in 2006 Sakineh Mohammadi Ashtiani, who was accused of having had two extramarital sexual relationships after the death of her husband, was sentenced to 99 lashes, which were administered the same year,
- E. whereas she was also charged with complicity in the murder of her husband and then acquitted, before being charged with adultery during her marriage and sentenced to be stoned,
- F. whereas the stoning, which was to have been carried out on 9 July 2010, was suspended by the Iranian authorities 'for humanitarian reasons', in response to international pressure,
- G. whereas the stoning sentence is in clear violation of Iran's obligations under the ICCPR; whereas only recently Iran agreed, during its Universal Periodic Review at the UN Human Rights Council, to observe at least the 'minimum standards' and the provisions of the ICCPR concerning the death penalty, for as long as it is retained,
- H. whereas the 18-year-old Ebrahim Hamidi was sentenced to death in August 2010 on charges of sodomy allegedly committed when he was only 16 years old and on the basis of a confession which he claims was obtained under torture,
- I. whereas the defence lawyer in both cases, Mohammad Mostafaei, who tried to raise public awareness about the defendants' situation, was forced to flee the country in fear of arrest, and whereas more and more human rights lawyers, including Mohammed Ali Dadkash, Mohammad Oliyifard and Mohammad Seifzadeh, and even eminent persons such as Nobel Peace Prize winner Shirin Ebadi are facing state persecution in the form of extraordinary tax claims and threats against their lives and their families,
- J. whereas Nasrin Sotoudeh, a human rights lawyer widely respected for her efforts on behalf of juveniles facing the death penalty and for her defence of prisoners of conscience, was arrested on 4 September 2010 on charges of 'propaganda against the state' and 'collusion and holding meetings with the aim of acting against national security',
- K. whereas one year after the fraudulent presidential elections and the subsequent mass protests, hundreds of protesters, journalists, civil rights activists and even ordinary citizens, such as the Dutch national Zahra Bahrami, who deny any connection with the demonstrations remain in prison,
- L. whereas Zahra Bahrami, who had travelled to Iran to visit her family, was arrested after the Ashura protests on 27 December 2009 and forced to make televised confessions admitting to the charges against her,
- M. whereas neither international human rights organisations nor the Dutch authorities have been granted access to Zahra Bahrami,
- N. whereas forced confessions, the torture and ill-treatment of prisoners, sleep deprivation, solitary confinement, clandestine detention, cruel, inhumane and degrading treatment, physical abuse, including sexual violence, and impunity for State agents continue to be widespread in Iran, giving rise to serious doubts as to the fairness and transparency of the judicial process in that country,
- O. whereas the number of cases is increasing in which peaceful civil rights defenders are being charged with 'moharabeh' (enmity with God), which can carry the death penalty, as in the case of Shiva Nazar Ahari, a member of the Committee of Human Rights Reporters (CHRR), who has been detained since 20 December 2009 and whose trial is imminent,

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- P. whereas the persecution of religious and ethnic minorities in Iran continues unabated; whereas in August 2010 the seven leaders of the Baha'i faith, Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naeimi, Saeid Rezaie, Mahvash Sabet, Behrouz Tavakkoli and Vahid Tizfahm, who have been imprisoned since 2008 solely on the basis of their religious beliefs, were sentenced to 20 years in prison on charges of propaganda against the State and espionage,
- Q. whereas the harassment of the opposition politicians Mir-Hossein Mousavi and Mehdi Karrubi and of other senior members of political parties continues; whereas in early September 2010 the residence of the former presidential candidate Mehdi Karroubi was attacked by dozens of armed men in plainclothes, leading to the daubing of graffiti, vandalism, broken windows and shootings inside Karroubi's home; whereas these attacks came after comments by the Commander of the Revolutionary Guard, Mohammad Ali Jafari, that the people of Iran would judge the 'heads of sedition', a reference to opposition leaders; whereas no attempt was made by the police to stop the attacks,
- R. whereas people who have been accused of committing crimes have been linked with the political opposition in Iran, and members of the political opposition have been linked with the perpetration of crimes by Iran's judiciary, the aim being to equate political opposition with criminal behaviour,
1. Pays tribute to the courage of all those Iranian men and women who are fighting for the defence of fundamental freedoms, respect for their human rights and democratic principles, who actively protest against stoning and other forms of cruel punishment and who wish to live in a society free from repression and intimidation;
 2. Strongly condemns the sentencing to death by stoning of Sakineh Mohammadi Ashtiani, and takes the view that, regardless of the facts, a sentence of death by stoning can never be justified or accepted;
 3. Urges the Iranian authorities to set aside the sentences imposed on Sakineh Mohammadi Ashtiani and to initiate a comprehensive review of her case;
 4. Strongly insists that the Iranian Government reconsider Zahra Bahrami's case, immediately grant her access to a lawyer and consular assistance, release her or grant her due process; calls on Baroness Ashton, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, to raise the issue of Zahra Bahrami's detention with the Iranian authorities;
 5. Calls on the Government of Iran to halt the execution of Ebrahim Hamidi, an 18-year-old charged with sodomy, and calls on the Islamic Republic of Iran finally to abolish the death penalty for crimes committed before the age of 18 and amend its legislation to bring it into line with the international human rights conventions that Iran has ratified, including the Convention on the Rights of the Child and the ICCPR;
 6. Expresses its grave consternation that Iran continues to be one of the very few countries, together with Afghanistan, Somalia, Saudi Arabia, Sudan and Nigeria, which still practise stoning; calls on the Iranian Parliament to pass legislation outlawing the cruel and inhumane practice of stoning;
 7. Reiterates its opposition to the death penalty and calls on the Iranian authorities, in accordance with UN General Assembly Resolutions 62/149 and 63/168, to institute a moratorium on executions pending the abolition of the death penalty;
 8. Calls for the tabling at the next session of the UN General Assembly of a resolution requesting all countries which retain the death penalty to make available to the UN Secretary-General, and to the public, all information on capital punishment and executions, so as to overcome State secrecy concerning the death penalty, which is a factor in a great number of executions;

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9. Expresses its opposition to any criminalisation of consensual sexual relations between adults, and urges the Iranian authorities to decriminalise 'adultery' and homosexuality;
 10. Urges the Iranian authorities to eliminate, in law and in practice, all forms of torture and other cruel, inhumane or degrading treatment or punishment, and to uphold due process of law and end impunity for human rights violations;
 11. Calls on the Islamic Republic of Iran to sign and ratify the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
 12. Deeply deplores the lack of fairness and transparency in the judicial process in Iran and calls on the Iranian authorities to guarantee a fair and open appeal procedure;
 13. Calls on the Iranian authorities to grant the Red Crescent access to all prisoners and to allow international human rights organisations to monitor the situation in the country;
 14. Calls on the Iranian authorities immediately to release all those who are being detained solely on the basis of their involvement in peaceful protests and their desire to exercise their basic human right to freedom of expression, and, in particular, reiterates its call for the acquittal of the seven Baha'i leaders;
 15. Recalls that freedom of thought, conscience and religion is a fundamental right which must be guaranteed in all circumstances, in accordance with Article 18 of the ICCPR, to which the Islamic Republic of Iran is a party and which it has ratified;
 16. Calls for the immediate release of all human rights lawyers who have been arrested;
 17. Expresses serious concern at the abuse of judicial powers by the Iranian authorities to target members of the human rights community and civil society activists, such as members of the One Million Signatures Campaign and the Central Council of the ADVAR student organisation, among others;
 18. Calls on the Commission and Council to devise additional measures in the context of the European Instrument for Democracy and Human Rights in order actively to protect Iranian human rights defenders, and encourages the Member States to support the European Shelter City Programme;
 19. Calls for the re-establishment of a UN mandate for a Special Rapporteur to investigate human rights abuses and encourage accountability for those perpetrating human rights violations in Iran;
 20. Calls for the existing list of individuals and organisations subject to the EU travel ban and the freezing of assets to be extended to include those who are responsible for violations of human rights, repression and curtailment of freedom in Iran;
 21. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Secretary-General of the United Nations, the United Nations Security Council, the United Nations Commission on Human Rights, the President of the Iranian Supreme Court and the Government and Parliament of the Islamic Republic of Iran.
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Better lawmaking

P7_TA(2010)0311

European Parliament resolution of 9 September 2010 on better lawmaking – 15th annual report from the Commission pursuant to Article 9 of the Protocol on the application of the principles of subsidiarity and proportionality (2009/2142(INI))

(2011/C 308 E/11)

The European Parliament,

- having regard to the Interinstitutional Agreement on better law-making ⁽¹⁾,
- having regard to the Interinstitutional Common Approach to Impact Assessment of November 2005,
- 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 ⁽²⁾,
- having regard to its resolution of 21 October 2008 on 'Better lawmaking 2006' pursuant to Article 9 of the Protocol on the application of the principles of subsidiarity and proportionality (14th annual report) ⁽³⁾,
- having regard to its resolutions of 21 October 2008 and of 24 April 2009 on the 24th and 25th annual reports from the Commission on monitoring the application of Community law ⁽⁴⁾,
- having regard to the Commission report on subsidiarity and proportionality (15th report on Better Lawmaking, 2007) (COM(2008)0586),
- having regard to the Commission report on subsidiarity and proportionality (16th report on Better Lawmaking, 2008) (COM(2009)0504),
- having regard to the communication from the Commission entitled 'Third Strategic Review of Better Regulation in the European Union' (COM(2009)0015),
- having regard to the Commission working document entitled 'Reducing Administrative Burdens in the European Union' – 2008 progress report and 2009 outlook' (COM(2009)0016),
- having regard to the Commission working document entitled 'Third progress report on the strategy for simplifying the regulatory environment' (COM(2009)0017),
- having regard to the communication from the Commission entitled 'Action Programme for Reducing Administrative Burdens in the EU – Sectoral Reduction Plans and 2009 Actions' (COM(2009)0544),
- having regard to the Commission's Impact Assessment Guidelines (SEC(2009)0092),
- having regard to the Impact Assessment Board Report for 2008 (SEC(2009)0055),

⁽¹⁾ OJ C 321, 31.12.2003, p. 1.

⁽²⁾ Texts adopted, P7_TA(2010)0009.

⁽³⁾ OJ C 15 E, 21.1.2010, p. 16.

⁽⁴⁾ OJ C 15 E, 21.1.2010, p. 21, and OJ C 184 E, 8.7.2010, p. 114.

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- having regard to the Impact Assessment Board Report for 2009 (SEC(2010)1728),
 - having regard to the report of 17 September 2009 of the High Level Group of Independent Stakeholders on Administrative Burdens,
 - having regard to the conclusions of the Competitiveness Council of 4 December 2009,
 - having regard to the final report of the Working Party on Parliamentary Reform 2007-2009,
 - having regard to the Conference of Committee Chairs working document entitled 'Impact Assessment: The European Parliament's Experience',
 - having regard to the Commission proposal for a regulation on the citizens' initiative (COM(2010)0119),
 - having regard to Rule 48 of the Rules of Procedure,
 - having regard to the report by the Committee on Legal Affairs and the opinion of the Committee on Constitutional Affairs (A7-0215/2010),
- A. whereas correct application of the principles of subsidiarity and proportionality is essential for the proper functioning of the European Union and for its institutions' activities to meet the expectations of its citizens, companies operating in the internal market and national and local government, and to ensure that decisions are taken as closely as possible to the citizen,
- B. whereas better lawmaking has become a prerequisite for the effective functioning of the European Union and can play an important role in ending the economic crisis and achieving economic growth,
- C. whereas the issue of better lawmaking should be considered not only in the context of the Commission programme on better regulation, but also in a wider sense, in connection with the entry into force of the Lisbon Treaty,
- D. whereas the Lisbon Treaty places Parliament on an equal footing with the Council in lawmaking under the ordinary legislative procedure,
- E. whereas the Lisbon Treaty provides for the formal involvement of national parliaments in monitoring the application of the principle of subsidiarity,
- F. whereas better lawmaking was a matter of priority for the previous Commission and should also be a task of primary importance for the new Commission,
- G. whereas better regulation in the Union covers a range of matters, such as carrying out impact assessments, reducing administrative burdens and simplifying and codifying existing legislation,
- H. whereas consultations with all interested parties, in particular social partners, are of fundamental importance in the preparation of draft legislation (including impact assessments),
- I. whereas, under Article 225 of the Treaty on the Functioning of the European Union (TFEU), Parliament may request the Commission to submit any appropriate proposal on matters on which it considers that a Union act is required for the purpose of implementing the Treaties,
- J. whereas a programme aimed at reducing the administrative burdens arising from European Union legislation has been in place since 2005 and seeks to reduce those burdens by 25 % by 2012,

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- K. whereas one of the key elements of the programme is the baseline measurement of administrative costs based on a standard cost model,
- L. whereas the use of recasting and codification to simplify and codify existing legislation ensures greater clarity and consistency as regards the changes made,
- M. whereas correct and timely implementation by Member States is of crucial importance as regards European Union directives, as is the ongoing problem of the 'gold-plating' of legislation, i.e. the inclusion of obligations going beyond the requirements of European law,
- N. whereas the Lisbon Treaty has replaced the comitology system by a new distinction between delegated and implementing acts,
- O. whereas the Lisbon Treaty has introduced a European citizens' initiative, which is a new instrument allowing citizens to influence European Union law,
- P. whereas the citizens' rights set out in the Charter of Fundamental Rights of the European Union include the right to good administration, which cannot be achieved without clear laws that the general public can understand,

Basic comments

1. Stresses the vital importance of making simple, clear laws that EU citizens can understand;
2. Emphasises that European institutions must respect the principles of subsidiarity and proportionality when formulating proposals and observe the criteria laid down in the Protocol on the application of the principles of subsidiarity and proportionality annexed to the TFEU;
3. Stresses that all draft legislation must include reasons for concluding that the objective can be better achieved by EU action, substantiated by qualitative and, wherever possible, quantitative indicators, in accordance with the above-mentioned protocol;
4. Firmly supports the process of better regulation aimed at increasing the transparency, effectiveness and coherence of European Union legislation; emphasises the Commission's key role, as the institution with the power of legislative initiative, in drafting high-quality legislative proposals; undertakes to make every effort to examine such proposals promptly, in accordance with the appropriate legislative procedure; emphasises, furthermore, the importance of cooperating with Member States to ensure that legislation is correctly implemented;
5. Notes the Commission's commitment to this process, as reflected in a series of documents, in particular the Third Strategic Review of Better Regulation in the European Union, as well as in its ongoing activities; notes, at the same time, that the programme remains unknown to a wider audience and calls on the Commission to promote it more effectively;
6. Agrees with the observations set out in paragraphs 3 and 15 of the Council conclusions of 4 December 2009 concerning joint responsibility for better regulation and giving all the bodies and individuals involved in the process greater responsibility;
7. Notes the participation of the Economic and Social Committee and the Committee of the Regions in discussions on better regulation and the reduction of administrative burdens, and hopes to see fruitful cooperation in this area;

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8. Considers that the improvement of interinstitutional cooperation in this vast area requires a revision of the Interinstitutional Agreement on better law-making of 2003; draws attention, in this regard, to the relevant paragraphs of its resolution of 9 February 2010 on the Framework Agreement on relations between the European Parliament and the Commission, especially to the joint commitment of the two institutions to agree on key changes in preparation for future negotiations with the Council of Ministers on an adaptation of the Interinstitutional Agreement on better law-making to the new provisions of the Lisbon Treaty;

9. Urges the Commission, on the basis of the political agreement embodied in the resolution of 9 February 2010 on a revised Framework Agreement between the European Parliament and the Commission, to make every effort to ensure that Parliament and the Council are treated as equals in the lawmaking process, thus implementing the principle of equal treatment between Parliament and the Council deriving from the Lisbon Treaty, in particular by simultaneously and comprehensively notifying both institutions of all events and developments affecting that process and ensuring equal access to meetings and to proposals or other information;

10. Stresses that the process of simplifying legislation must not lead to a lowering of the standards laid down in current legislation, which is why consultations with all interested parties, including social partners, must be an integral part of the process;

11. Welcomes the closer involvement of national parliaments in the European legislative process, in particular in the process of verifying the compliance of legislative proposals with the principle of subsidiarity; underlines the need for national parliaments to observe the eight-week period in which to make their opinions known;

12. Welcomes the action taken by the Commission to ensure an effective exchange of information with national parliaments and to inform Parliament and the Council thereof; encourages national parliaments to distinguish clearly between opinions concerning the principle of subsidiarity and opinions on the substance of Commission proposals;

Impact assessment

13. Underlines the Commission's basic responsibility to carry out impact assessments; calls for the development of mechanisms to guarantee the independence and credibility of the analyses carried out; at the same time undertakes to continue to assess the impact of any significant amendments it makes to Commission proposals;

14. To this end, invites the Commission to provide systematically a two-to-four-page summary of its impact assessment to Parliament and the Council, together with the full impact assessment, when submitting the legislative proposal;

15. Encourages all Parliament committees to precede any discussion of a Commission legislative proposal with an exchange of views with the Commission on the impact assessment;

16. Recognises the need, in the light of experience to date, for a revision of the Interinstitutional Common Approach to Impact Assessment and encourages all the institutions to fulfil their commitments regarding impact assessments; draws attention to the conclusions of the Conference of Committee Chairs' working document in this connection; encourages the initiatives taken by Parliament committees in inviting the Commission to present all impact assessments so that they can be scrutinised fully by the relevant committees at the outset and before the first exchange of views;

17. Reminds the Commission, at the same time, that all new proposals should be evaluated with regard to the full extent of their impact, in accordance with the principle of an integrated approach, which means that their economic, social and environmental consequences all need to be analysed;

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18. Stresses, in particular, the need to examine the social effects of legislative proposals, including their impact on the European labour market and living standards; underlines once again the necessity to examine carefully the impact of legislation on businesses;

19. Suggests that the Commission should carry out an impact assessment on all proposals to reduce administrative burdens, thereby allowing any side effects of such proposals to be examined;

20. Points out that, for an impact assessment to be objective, the Commission must systematically consult all interested parties, including small and medium-sized enterprises; recognises the need to ensure that interested parties are better informed of the possibility of taking part in consultations and calls for the extension of the eight-week consultation period; calls on the Commission to draw up and publish a clear list of the impact assessments planned for the year ahead, in order to allow interested parties to prepare for them;

21. Believes that objective impact assessments are an extremely important tool for assessing Commission proposals and calls, therefore, for scrutiny of the conduct of impact assessments by an independent body, which should, however, be accountable to Parliament;

22. Emphasises that the quality of impact assessments should be subject to continuous monitoring; welcomes the opinion of the Impact Assessment Board on the general improvement in their quality; notes that the Board is applying stricter assessment criteria; notes, at the same time, that the high percentage of impact assessments (over 30 %) that are initially rejected by the Board testifies to the need for the relevant Commission departments to improve their quality further; calls for an increase in the staff available to the Board;

23. Welcomes the Commission's new guidelines on carrying out impact assessments and, in particular, the inclusion therein of a set of questions concerning the principles of subsidiarity and proportionality; hopes that the new guidelines will lead to a significant improvement in the carrying-out of impact assessments and a subsequent improvement in the quality of legislative proposals;

24. Welcomes, in particular, the fact that the Commission's new Impact Assessment Guidelines call for analysis of the impact of forthcoming legislation and administrative initiatives on SMEs (the SME test) and for the results of such analysis to be taken into account when proposals are drafted; emphasises that systematic application of the SME test in the Commission's impact assessments is an important element in implementation of the Small Business Act, contributing significantly to an SME-friendly regulatory environment; calls on the Member States to apply the SME test at national level;

25. Calls on the Commission to clarify the 'smart regulation' agenda outlined in President Barroso's political guidelines, in particular with reference to stepping up efforts regarding ex-post assessments, and also to include on that agenda quantitative indicators, particularly those connected with the intention to reduce bureaucratic burdens;

26. Calls on the Commission systematically to carry out ex-post assessments of adopted legislation in order, among other things, to verify insofar as possible the accuracy of the relevant impact assessments;

27. Notes the evaluation of the impact assessment system undertaken by the Court of Auditors and awaits its results with interest;

Reducing administrative burdens

28. Emphasises the importance of reducing the costs for businesses operating in the European Union, in order to enable them to function effectively in difficult economic conditions and compete globally; underlines the need to streamline public administrative procedures; stresses that administrative burden reduction must focus on unnecessary information requirements and, as such, fully supports the 'only once' principle set out in the Small Business Act; emphasises that reducing administrative burdens for businesses must not have any negative social or environmental consequences;

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29. Welcomes the results of the Commission's work to date in drafting proposals which, once adopted, will enable administrative burdens to be reduced by as much as 33 % by 2012, an improvement on the earlier commitment to a 25 % reduction; notes that savings generated in this way could amount to more than EUR 40 billion ⁽¹⁾;

30. Draws particular attention to the progress made in the work on those Commission proposals that offer the greatest potential for savings (i.e. the exemption of micro-enterprises from Union accounting requirements and the amendment of the VAT Directive to facilitate electronic invoicing); calls on Member States to work together constructively in the Council and to ensure the effective transposition into national law of adopted legislation;

31. Notes that the baseline programme for the measurement of administrative burdens has proved to be a useful but costly method; encourages the Commission to consider alternative methods of measuring administrative burdens, such as consultation with interested parties, which would allow the prompt removal of burdens in specific cases;

32. Emphasises that the Standard Cost Model for the measurement of administrative burdens has not been independently evaluated;

33. Notes, at the same time, the relatively small number (148 in 2008) of suggestions posted online on the dedicated website; considers that the Commission should publicise the fact that those affected may draw attention to excessive administrative costs resulting from European or national law;

34. Shares the Commission's opinion that electronic communication constitutes an excellent tool for reducing administrative burdens and encourages it to realise the ideas set out in the e-Commission 2006-2010 framework and the i2010 strategy aimed at modernising administration in Europe;

35. Urges the Commission to continue to implement sectoral plan measures to reduce administrative burdens; undertakes to give prompt consideration to legislative proposals relating thereto;

36. Notes the positive contribution made by the High Level Group of Independent Stakeholders on Administrative Burdens to the programme to reduce those burdens that is being carried out by the Commission; emphasises, however, that the composition of the group should be better balanced, with the inclusion of more experts representing civil society and experts from other Member States; calls for the terms of reference of the group, thus expanded, to be extended to 2013;

37. Points out that citizens are not able to distinguish between administrative burdens resulting from European law and those imposed by national law and that national administrative burdens play a part in creating a negative image of the European Union;

38. Points out that, to ensure that the programme to reduce burdens is successful, active cooperation between the Commission and the Member States is necessary in order to avoid discrepancies in interpretation and the 'gold-plating' of legislation;

39. Calls on Member States to work consistently to meet their own national targets for reducing administrative burdens and hopes for fruitful cooperation with national parliaments on this matter;

40. Encourages the Commission to extend the Action Programme for Reducing Administrative Burdens in the EU to new priority areas and other legislative acts, on the basis of consultation with all affected stakeholders, including the social partners, and the ex-post assessment of existing legislation; calls on the Commission to continue this Action Programme beyond 2012;

⁽¹⁾ See page 6 of the Action Programme for Reducing Administrative Burdens in the EU – Sectoral Reduction Plans and 2009 Actions (COM(2009)0544).

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Institutional and procedural comments

41. Welcomes the Commission's efforts so far to identify and draft the proposals for simplifying and codifying European legislation; stresses the need to maintain good interinstitutional cooperation in that regard, in particular in relation to the withdrawal by the Commission of legislative proposals that are not considered essential;

42. Calls on the Commission to proceed with the codification of legislative acts and to present the report scheduled for 2009 detailing the achievements of the codification programme as a whole ⁽¹⁾;

43. Stresses that the recasting technique should always be used when amending legislation; at the same time recognises and respects the Commission's rights in the legislative process;

44. Points out that the other initiatives for simplifying legislation are subject to the ordinary legislative procedure and the corresponding deadlines; gives an assurance that it is making every effort to consider Commission proposals as quickly as possible;

45. Points out that the TFEU ⁽²⁾ explicitly prohibits the adoption by Parliament and the Council of legislative acts not envisaged in the Treaty provisions for the area in question;

46. Warns against abandoning necessary legislation in favour of self-regulation or co-regulation or any other non-legislative measure; believes that the consequences of such choices should be subject to careful examination in each case, in accordance with Treaty law and the roles of the individual institutions;

47. Stresses, at the same time, that soft law should be applied with the greatest of care and on a duly justified basis, without undermining legal certainty and the clarity of existing legislation, and after consultation of Parliament as underlined in its resolution on a revised Framework Agreement;

48. Notes with satisfaction the streamlined exchange of information and documents connected with implementing acts (comitology), and in particular the functioning of the new regulatory procedure with scrutiny; hopes that the transition to the new system introduced by the Lisbon Treaty will take place smoothly and without unnecessary delays;

49. Points, furthermore, to a range of other institutional changes introduced by the Lisbon Treaty that will affect lawmaking in the European Union; emphasises in particular the importance of the European citizens' initiative, which has the potential to become an essential element of European public debate and welcomes the Commission's proposal for a regulation on this matter; stresses the need of close cooperation between Parliament and the Commission to create an effective and understandable instrument, with clear criteria of admissibility, that will be in accordance with the good practice of the EU lawmaking process;

50. Supports the Commission's proposal to examine the admissibility of a proposed ex-ante citizens' initiative already when it has obtained one-third of the required declarations of support, which will make it possible to avoid disappointing citizens in the event of initiatives being declared inadmissible;

51. Calls on the Commission to define not only its time limit for examining an officially submitted initiative, but also the time limit for it to bring forward a legislative proposal in the event of the initiative being admissible;

⁽¹⁾ See section 5 of the third progress report on the strategy for simplifying the regulatory environment (COM(2009)0017).

⁽²⁾ Article 296(3) TFEU

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52. Urges the Commission to give an undertaking regarding the deadlines by which it will meet requests made by Parliament pursuant to Article 225 TFEU, with specific reference to the commitment under the Framework Agreement to draw up a report on the follow-up to all legislative initiative requests during the three months following adoption of a legislative initiative report and to submit a legislative proposal within a year at most;

53. Calls on the Commission, in the light of Parliament's resolutions thus far on monitoring the application of Union law, to make full use of its rights under Articles 258 and 260 TFEU, in particular in connection with failure by Member States to notify measures transposing a directive;

54. Points out that the issue of better lawmaking is directly linked to the issue of monitoring the implementation of Union law;

55. Is closely following the implementation of the EU pilot project for such monitoring; is concerned that the proposed method for examining complaints could lead to the Commission being overly dependent on the Member States;

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56. Instructs its President to forward this resolution to the Council, the Commission and the national parliaments.

Situation of the Roma people in Europe

P7_TA(2010)0312

European Parliament resolution of 9 September 2010 on the situation of Roma and on freedom of movement in the European Union

(2011/C 308 E/12)

The European Parliament,

- having regard to the EU Charter of Fundamental Rights, in particular Articles 1, 8, 20, 21, 19, 24, 25, 35 and 45,
- having regard to international human rights law, notably the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the United Nations Convention on the Rights of the Child,
- having regard to European conventions protecting human rights and fundamental freedoms, notably the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the related case law of the European Court of Human Rights, the European Social Charter and the related recommendations of the European Committee of Social Rights, and the Framework Convention for the Protection of National Minorities of the Council of Europe,
- having regard to Articles 2 and 3 of the Treaty on European Union, which lays down the fundamental rights and principles underpinning the European Union, including the principles of non-discrimination and free movement,
- having regard to Articles 8, 9, 10, 16, 18, 19, 20, 21, 151, 153 and 157 of the Treaty on the Functioning of the European Union,

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- having regard to its resolutions of 28 April 2005 on the situation of the Roma in the European Union ⁽¹⁾, of 1 June 2006 on the situation of Roma women in the European Union ⁽²⁾, of 15 November 2007 on application of Directive 2004/38/EC on the right of EU citizens and their families to move and reside freely within the territory of the Member States ⁽³⁾, of 31 January 2008 on a European Strategy on the Roma ⁽⁴⁾, of 10 July 2008 on the census of the Roma on the basis of ethnicity in Italy ⁽⁵⁾, of 11 March 2009 on the social situation of the Roma and their improved access to the labour market in the EU ⁽⁶⁾, and of 25 March 2010 on the Second European Roma Summit ⁽⁷⁾,
- having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ⁽⁸⁾, Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ⁽⁹⁾, Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law ⁽¹⁰⁾, Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States ⁽¹¹⁾, and 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 ⁽¹²⁾,
- having regard to the reports on Roma, racism and xenophobia in the Member States of the EU in 2009, published by the Fundamental Rights Agency ⁽¹³⁾, and to the reports by the Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg,
- having regard to the conclusions of the European Councils of December 2007 and June 2008, the conclusions of the General Affairs Council of December 2008 and the Employment, Social Policy, Health and Consumer Affairs Council's conclusions on the inclusion of the Roma, adopted in Luxembourg on 8 June 2009,
- having regard to the proclamation in 2005 of the Decade of Roma Inclusion and the establishment of the Roma Education Fund by a number of EU Member States, candidate countries and other countries in which the Union institutions have a significant presence,
- having regard to its resolution of 24 October 2006 on women's immigration: the role and place of immigrant women in the European Union ⁽¹⁴⁾,
- having regard to the conclusions of the First European Roma Summit (Brussels, 16 September 2008) and of the Second European Roma Summit (Córdoba, 8 April 2010),
- having regard to the forthcoming report by its Committee on Civil Liberties, Justice and Home Affairs on the 'EU Strategy on Roma Inclusion', which is due in late 2010,

⁽¹⁾ OJ C 45 E, 23.2.2006, p. 129.

⁽²⁾ OJ C 298 E, 8.12.2006, p. 283.

⁽³⁾ OJ C 282 E, 6.11.2008, p. 428.

⁽⁴⁾ OJ C 68 E, 21.3.2009, p. 31.

⁽⁵⁾ OJ C 294 E, 3.12.2009, p. 54.

⁽⁶⁾ OJ C 87 E, 1.4.2010, p. 60.

⁽⁷⁾ Texts adopted, P7_TA(2010)0085.

⁽⁸⁾ OJ L 180, 19.7.2000, p. 22.

⁽⁹⁾ OJ L 303, 2.12.2000, p. 16.

⁽¹⁰⁾ OJ L 328, 6.12.2008, p. 55.

⁽¹¹⁾ OJ L 158, 30.4.2004, p. 77.

⁽¹²⁾ OJ L 281, 23.11.1995, p. 31.

⁽¹³⁾ Report on Racism and Xenophobia in the Member States of the EU in 2009; European Union Minorities and Discrimination Survey, Data in Focus Report: The Roma in 2009; The Situation of Roma EU Citizens Moving to and Settling in Other EU Member States; and Housing Conditions of Roma and Travellers in the European Union: Comparative Report.

⁽¹⁴⁾ OJ C 313 E, 20.12.2006, p. 118.

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- having regard to the recommendations adopted by the UN Committee for the Elimination of Racial Discrimination at its 77th session (2-27 August 2010),
 - having regard to the Council of Europe report entitled 'Fourth ECRI Report on France', published on 15 June 2010,
 - having regard to the Ten Common Basic Principles on Roma Inclusion,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas the European Union is founded on the principles enshrined in the EU Charter of Fundamental Rights and in the EU Treaties, which include the principles of non-discrimination, the specific rights intrinsic to EU citizenship and the right to protection of personal data,
- B. whereas these principles are implemented through the above-mentioned Directives 2000/43/EC, 2000/78/EC, 2004/38/EC and 95/46/EC,
- C. whereas the 10-12 million European Roma continue to suffer serious systematic discrimination in education (in particular segregation), housing (in particular forced evictions and sub-standard living conditions, often in ghettos), employment (a particularly low employment rate) and equal access to healthcare and other public services, and whereas they have an astoundingly low level of political participation,
- D. whereas a majority of European Roma became EU citizens after the 2004 and 2007 enlargements, so that they and their families enjoy the right to move and reside freely within the territory of the Member States,
- E. whereas many Roma individuals and communities who decided to settle in a different EU Member State to that of which they are nationals are in a particularly vulnerable position,
- F. whereas repatriations and returns of Roma have been taking place in several Member States, and recently in France, where the government either expelled or 'voluntarily' returned hundreds of Roma EU citizens between March and August 2010,
- G. whereas the French authorities invited the Interior Ministers of Italy, Germany, the UK, Spain, Greece, Canada and the US, and subsequently the Interior Minister of Belgium and representatives of the Commission, to attend a meeting in Paris in September to discuss 'immigration' and free movement issues falling within the EU's area of competence, a meeting to which other Member States were not invited, and whereas the Interior Minister of Italy has announced his intention to push for stricter EU rules on immigration and on free movement, notably for Roma,
- H. whereas this conduct has been accompanied by the stigmatisation of Roma and general anti-Gypsyism in political discourse,
- I. whereas the administrative tribunal in Lille has confirmed an earlier court decision of 27 August 2010 by overturning the deportation orders issued against seven Roma, on the grounds that the authorities had not proved that they were 'a threat to public order',
- J. whereas it has repeatedly called on the Commission to develop an EU Roma strategy promoting the principles of equal opportunities and social inclusion throughout Europe,

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- K. whereas the EU has various instruments that can be used to combat Roma exclusion, such as the new opportunity provided under the Structural Funds to devote up to 2 % of the total European Regional Development Fund (ERDF) allocation to housing expenditure in favour of marginalised communities, which will take effect in the course of 2010, or the existing possibilities under the European Social Fund,
- L. whereas progress in combating discrimination against Roma by guaranteeing their rights to education, employment, health, housing and freedom of movement in the Member States has been uneven and slow, and whereas Roma representation in governmental structures and the public administration in the Member States should be increased,
1. Recalls that the European Union is above all a community based on values and principles designed to maintain and promote an open and inclusive society and EU citizenship, particularly by prohibiting all forms of discrimination;
2. Emphasises the right of all EU citizens and their families to free movement and residence throughout the EU, a right which is a fundamental aspect of EU citizenship as defined by the Treaties and is implemented by Directive 2004/38/CE, which all Member States are required to apply and comply with;
3. Expresses its deep concern at the measures taken by the French authorities and by other Member States' authorities targeting Roma and Travellers and providing for their expulsion; urges those authorities immediately to suspend all expulsions of Roma, at the same time calling on the Commission, the Council and the Member States to intervene with the same request;
4. Emphasises that mass expulsions are prohibited by the Charter of Fundamental Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms and that such measures are in violation of the EU Treaties and EU law, since they amount to discrimination on the basis of race and ethnicity and a breach of Directive 2004/38/EC on the free movement of citizens and of their families in the EU;
5. Is deeply concerned, in particular, at the inflammatory and openly discriminatory rhetoric that has characterised political discourse during the repatriations of Roma, lending credibility to racist statements and the actions of extreme right-wing groups; therefore reminds policy-makers of their responsibilities and rejects any statements which link minorities and immigration with criminality and create discriminatory stereotypes;
6. Recalls, in that connection, that Directive 2004/38/EC provides for restrictions on the freedom of movement and the expulsion of EU citizens only as exceptions and imposes specific and clear limits on such measures; in particular, expulsion decisions must be assessed and taken on an individual basis, taking into consideration personal circumstances and guaranteeing procedural safeguards and redress (Articles 28, 30, 31);
7. Emphasises also that, in accordance with Directive 2004/38/EC, lack of economic means can in no circumstance justify the automatic expulsion of EU citizens (Recital 16, Article 14) and that restrictions on freedom of movement and residence on grounds of public policy, public security and public health can be imposed solely on the basis of personal conduct, and not of general considerations of prevention or ethnic or national origin;
8. Stresses, further, that the taking of the fingerprints of expelled Roma is illegal and contrary to the EU Charter of Fundamental Rights (Article 21.1 and 2), the EU Treaties and EU law, in particular Directives 2004/38/EC and 2000/43/EC, and amounts to discrimination on the basis of ethnic or national origin;

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9. Urges the Member States to honour to the full their obligations under EU law and to eliminate inconsistencies in the application of the Free Movement Directive requirements; reiterates its previous calls on the Member States to review and repeal laws and policies that discriminate against the Roma on the basis of race and ethnicity, either directly or indirectly, and on the Council and the Commission to monitor the application by the Member States of the Treaties and of the directives which lay down measures to combat discrimination and on freedom of movement, notably in relation to Roma, and to take the necessary measures in cases of non-application, notably by bringing infringement proceedings;

10. Considers that the situation of Roma in Europe can in no way affect the forthcoming accession of Romania and Bulgaria to the Schengen area, nor the rights of their citizens;

11. Deeply deplores the late and limited response by the Commission, as guardian of the Treaties, to the need to verify the consistency of Member States' actions with EU primary law and EU legislation, most notably the above-mentioned directives on non-discrimination, freedom of movement and the right to protection of personal data; reiterates its concerns regarding the implications of the current allocation of responsibilities concerning Roma policies among the Members of the Commission, and calls for a strong horizontal coordination to guarantee timely and effective responses in the future;

12. Invites the Commission to stand firmly behind the values and principles enshrined in the EU Charter of Fundamental Rights and the Treaties and to respond promptly with a full analysis of the situation in France and in all the Member States as regards the conformity of Roma policies with EU legislation, including on the basis of the information provided by NGOs and Roma representatives;

13. Expresses deep concern that, despite the urgency of the matter, the Commission has thus far not responded to its calls of January 2008 and March 2010 to prepare a European Strategy on the Roma, in cooperation with the Member States; calls once again on the Commission to develop a comprehensive European Strategy for Roma Inclusion;

14. Considers that the EU and all the Member States share a responsibility to promote the inclusion of Roma and that this requires a comprehensive approach at EU level in the form of an EU Roma Strategy, based on the undertakings given at the Second European Roma Summit in Cordoba:

- mainstreaming of Roma issues in European and national policies on fundamental rights and protection against racism, poverty and social exclusion;
- improving the design of the roadmap of the integrated platform on Roma inclusion and prioritising key objectives and results;
- ensuring that funding under existing EU financial instruments reaches the Roma and helping to improve their social integration by monitoring the use of resources; introducing new conditionality in order to ensure that the use of funds better addresses the situation of the Roma;

15. Deeply deplores the lack of political will demonstrated by the Member States at the Second European Roma Summit, which only three ministers attended, and calls on the Member States to endorse concrete measures which give effect to the undertakings given in the Roma Summit joint declaration issued by the Trio Presidency;

16. Considers it essential that a complex development programme should be established which targets simultaneously all related policy areas and makes immediate intervention possible in ghetto areas struggling with serious structural disadvantages; calls on the Commission and the Member States to ensure that equal opportunity provisions are strictly complied with when the Operational Programmes are implemented, so that projects do not directly or indirectly consolidate the segregation and exclusion of Roma; stresses that on 10 February 2010 it adopted a report on the eligibility of housing interventions in favour of marginalised communities, which makes provision for housing interventions on behalf of vulnerable groups within the ERDF framework, and calls for rapid implementation of the revised regulation so that the Member States can make active use of this opportunity;

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17. Calls for the effective implementation of policies that target Roma women, who are victims of twofold discrimination: as Roma and as women; calls therefore on the Commission and the Member States, in collaboration with NGOs, to carry out awareness-raising campaigns aimed at Roma women as well as the general public, and to ensure the full implementation of the relevant provisions in order to combat discriminatory cultural habits and patriarchal role models, to prevent polarisation and tackle the prevalent sexist stereotypes and social stigmatisation which underpin violence against women, and to ensure that there is no justification of violence on the grounds of customs, traditions or religious considerations;

18. Expresses concerns in relation to the forced repatriation of Roma to countries in the Western Balkans where they might face homelessness and discrimination; calls on the Commission, the Council and the Member States to ensure that the fundamental rights of the Roma are respected, for example by providing appropriate assistance and monitoring;

19. Urges the Council to adopt a common position on structural and pre-accession funding, reflecting the European political commitment to promote Roma inclusion and to ensure that the Common Basic Principles on Roma Inclusion are taken into account in any revision of the relevant Operational Programmes, also looking ahead to the next programming period; urges the Commission to analyse and evaluate the social impact to date of investments using pre-accession and structural funds targeting vulnerable groups, to draw conclusions and to devise new strategies and rules if this is considered necessary in this field;

20. Calls for appropriate funding to be mobilised by the EU and by Member States for projects on Roma integration, for the allocation of these funds to Member States, the use of funds and the proper implementation of projects to be monitored, and for the effectiveness of projects to be assessed, and calls on the Commission and the Council to issue a report on this matter, together with appropriate proposals;

21. Encourages the EU institutions to involve Roma communities, from grassroots level up to international NGOs, in the process of developing a comprehensive EU Roma policy, including in all aspects of planning, implementation and supervision, and to draw on the experience gained with the Decade of Roma Inclusion 2005-2015, the OSCE Action Plan, and the recommendations of the Council of Europe, the United Nations and Parliament itself;

22. Calls on its committee responsible, working with the national parliaments and after consulting the Fundamental Rights Agency, which should draw up a report, and NGOs and bodies dealing with human rights and Roma issues to follow up the issue and prepare a report on the situation of Roma in Europe, building on previous Parliament resolutions and reports; a peer-to-peer evaluation mechanism should be established at EU level to monitor and ensure Member States' compliance;

23. Urges Member States to comply strictly with their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination by immediately endorsing the recommendations adopted by the UN Committee for the Elimination of Racial Discrimination at its 77th session;

24. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the candidate countries, the European Data Protection Supervisor, the Council of Europe and the OSCE.

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Long-term care for older people

P7_TA(2010)0313

European Parliament resolution of 9 September 2010 on long-term care for older people

(2011/C 308 E/13)

The European Parliament,

- having regard to the European Charter of Fundamental Rights,
 - having regard to the proposed directive on the equal treatment of persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426),
 - having regard to the question of 30 June 2010 to the Commission on long-term care for older people (O-0102/2010 – B7-0457/2010),
 - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
1. Calls on Member States to consider the demographic developments in recent years, especially the ageing of population, leading to increased budgetary pressures and high demand for better health and social care infrastructure; Encourages Member States to fight against social exclusion against elder people and any type of discrimination based on age;
 2. Reminds Member States that ensuring access to adequate health and care services is a fundamental principle of the European model of solidarity;
 3. Recognising the importance of both the quality and continuity of care, calls on Member States to improve, facilitate, and encourage specialist training, education and reinsertion measures for all those people, including informal carers and those requiring professional qualifications, with long-term care responsibilities for older people; such training may also help improve the status of this important work. Urges Member States to tackle the issues of poor payment of care work, shortage of personnel, lack of training or inadequate training, which all put a strain on care provision. Notes the important contribution made by civil society, church and charity organisations in the provision of care;
 4. Notes the importance of further development of 'e-Health' in order to improve productivity and effectiveness of care provision, and also to support the informal carers and older people themselves;
 5. Calls on the Commission and Member States to take into account the needs of informal carers, who provide a significant proportion of care for older people, and to take concrete measures to support and safeguard this resource via training, respite and measures to reconcile work and family life;
 6. Maintains that guarantees should be in place in all Member States to protect the fundamental rights of persons receiving long-term care and to that end calls on the Member States to bring greater attention than hitherto to bear on the enforcement of, and compliance with, quality criteria for service provision;
 7. Calls on the Member States to support older people in every way necessary to ensure that they can manage by themselves in their own homes and to provide means of help enabling them to cope better in that environment, given that this being the best alternative to institutional care;

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8. Calls on the Member States, under their domestic legislation, to regulate the qualification requirements for welfare workers caring for older people and to devise and implement advanced training systems to help raise the educational level of those working in the eldercare system and hence improve the quality of the services offered;

9. Regrets that in many Member States the funding and provision of specialist geriatric medicine has been reduced over the years, and that not sufficient training has been given to other specialists on older people's issues. Notes that this has in many cases led to a reduction in the quality of care provided to older people and which, at times, constitutes unfair discrimination against them. Calls on Member States to keep this situation under review, with a view to increasing resources in this area should it be necessary;

10. Calls on the Member States to provide support, as a matter of priority, for the establishment of home palliative care units;

11. Asks the Commission to collect data and draw up a summary of the institutional, community and home care infrastructure for older people in each Member State;

12. Calls for minimum standards for all contracts in the care sector, including minimum wages;

13. Calls for more research to be done by the Commission to establish the number of deaths among older people in long-term care that are attributable to malnutrition or dehydration;

14. Calls on the Member States to pursue an information and prevention policy aimed at older people, focusing especially on dietary choices and prevention of the risks of dehydration;

15. Notes that the EU policy on older people is based on the principle of 'society for all', requiring Member States to guarantee that people of different ages have a full opportunity to participate actively in community life, irrespective of their age;

16. Advocates the introduction of programmes providing in-home welfare assistance and health care for the elderly or, in those countries where such arrangements already exist, the continuation thereof, to be administered by the municipal and local authorities within their respective terms of reference;

17. Calls for a Green Paper to be produced by the Commission on elder abuse and safeguarding older people in the community and in all care settings, including a focus on patient mobility and details of best practices already existing in the 27 Member States;

18. Calls on the Commission to prepare a study which will give a clearer picture of the increasing requirements for the care of older people and an estimate of the anticipated specialist provision for the period until 2020;

19. Calls, through the Open Method of Coordination, for an exchange of information, policy ideas and best practice between Member States on the provision of long-term care for older people and, in particular, measures and minimum professional standards in order to:

- (a) reduce health inequalities and safeguard older people in the community and in care settings,
- (b) tackle elder abuse,
- (c) adopt human resource strategies to fight against staff shortages,
- (d) and help disseminate information and communications technologies to promote the (care within families and) independence of older people;

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20. Urges the Commission to make every effort to ensure acceptable standards of healthcare for all European citizens, whatever their material circumstances;
21. Calls on the Member States and the Commission, given that the EU population is ageing across the board, to pursue every form of cooperation with a view to devising sustainable financing systems for long-term care provision so as to ensure that a sustainable system will be in place in the future to finance eldercare provision and that the necessary care services will be available;
22. Calls for the exchange of best practices in finding the most effective ways of developing intergenerational relations, so as to increase the involvement of family members in long-term care arrangements, resulting in a number of benefits and making it possible to meet more successfully the individual needs of care recipients;
23. Calls for the development of an integrated active ageing strategy seeking involvement of the elderly in social and cultural activities;
24. Calls for measures to be taken in response to the substantial increase in the number of elderly people, so as to ensure that they have equal access to welfare services;
25. Calls on the Member States to reduce the burden on those who care for older people or people with disabilities and – to enable carers to take up employment – set up integrated care systems;
26. Instructs its President to forward this resolution to the Council and the Commission.
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Situation of the Jordan River with special regard to the Lower Jordan River area

P7_TA(2010)0314

European Parliament resolution of 9 September 2010 on the situation of the Jordan River with special regard to the Lower Jordan River area

(2011/C 308 E/14)

The European Parliament,

- having regard to its previous resolutions on the Middle East,
- having regard to the 1994 Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan,
- having regard to the Joint Declaration issued by the Paris Summit for the Mediterranean on 13 July 2008,
- having regard to the 1995 Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (Oslo II Agreement), in particular Articles 12 and 40 of Annex III thereto,
- having regard to the Fourth Geneva Convention of 1949,
- having regard to the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage signed on 16 November 1972,

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- having regard to the recommendation on the situation in the Jordan Valley of the Ad Hoc Committee on Energy, Environment and Water of the Euro-Mediterranean Parliamentary Assembly (EMPA), which was adopted at the Sixth Plenary Session of the EMPA held in Amman from 12 to 14 March 2010,
 - having regard to Rule 115(5) of its Rules of Procedure,
 - A. whereas the Jordan River, and the Lower Jordan River in particular, is a cultural landscape of universal significance which has great historic, symbolic, religious, environmental, agricultural and economic importance in the Middle East and beyond,
 - B. whereas the Jordan River has been devastated by overexploitation, pollution, mismanagement and a lack of regional cooperation; whereas an estimated 98 % of the river's fresh water resources have been diverted by Israel, Jordan and Syria, resulting in a 50 % loss of biodiversity,
 - C. whereas new waste-water treatment centres, which are designed to remove the pollutant effluents currently found in the Lower Jordan River, are due to begin operating in late 2011; whereas, if sound and sustainable water-management practices are not developed and fresh water resources are not allocated to the Lower Jordan River to coincide with the operation of these centres, long stretches of the river are likely to run dry by the end of 2011,
 - D. whereas the rehabilitation of the Jordan River, and the Lower Jordan River area in particular, is of the greatest importance for the Israeli, Jordanian and Palestinian local communities facing similar water challenges and offers tremendous economic and confidence-building benefits; whereas active cooperation among the governments, civil society organisations and local communities concerned can make a major contribution to regional peace-building efforts,
 - E. whereas the Palestinian population in the West Bank faces serious water shortages; whereas Palestinian farmers are seriously affected by the lack of water for irrigation, which stems from the use of most of the water in question by Israel and by Israeli settlers in the West Bank; whereas the availability of sufficient water resources is essential to the viability of a future Palestinian State,
 - F. whereas EU funding has been contributing to attempts to alleviate the environmental challenges facing the Lower Jordan River area,
1. Draws attention to and expresses its concern at the devastation of the Jordan River, and the Lower Jordan River in particular;
 2. Calls on the authorities of all the riparian countries to cooperate and rehabilitate the Jordan River by drawing up and implementing policies which focus on achieving tangible results in the areas of domestic and agricultural water-demand management, water conservation and the management of sewage and agricultural and industrial effluents and on ensuring that an adequate quantity of fresh water flows into the Lower Jordan River;
 3. Welcomes the cooperation among Israeli, Jordanian and Palestinian local communities facing similar water challenges in the Lower Jordan River area; calls on Israel and Jordan fully to honour commitments made in their Treaty of Peace concerning the rehabilitation of the Jordan River;
 4. Welcomes the initiative by the Israeli Ministry of the Environment to draw up a master plan for landscape development in the Lower Jordan River area; urges the Jordanian Government and the Palestinian Authority to take similar initiatives with the aim of adopting master plans for the rehabilitation of the sections of the river that flow through their respective territories; stresses the importance of access to the river for all parties concerned and notes that such master plans could form the basis for a comprehensive regional plan to rehabilitate and protect the Lower Jordan River area;

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5. Welcomes the application of advanced water-management methods and technologies in Israel, and urges the fair use of these methods and the transfer of the technologies involved to all countries in the region; calls on the international community, including the European Union, to step up efforts to provide further financial and technical support for cooperative projects in this field;
6. Calls on the governments of Israel and Jordan and the Palestinian Authority to work in a spirit of cooperation in order to save the Lower Jordan River, and urges them to establish, with the support of the European Union, a Jordan River Basin Commission, which would be open to other riparian countries;
7. Calls on the Council, the Commission and EU Member States to encourage and support a comprehensive plan to rectify the devastation of the Jordan River and to continue to provide financial and technical support for the rehabilitation of the Jordan River, and the Lower Jordan River in particular, also in the framework of the Union for the Mediterranean;
8. Stresses once again that the issue of water management, and particularly the fair distribution of water in keeping with the needs of all the people living in the region, is of the utmost importance for lasting peace and stability in the Middle East;
9. Takes the view, at the same time, that a clear and specific reference to the rehabilitation process for this area should be included in the European Neighbourhood Policy Action Plans drawn up with Israel, Jordan and the Palestinian Authority; strongly urges the Commission to initiate a joint study on the Jordan River;
10. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Quartet Envoy to the Middle East, the Knesset and the Israeli Government, the Parliament and Government of Jordan, the Parliament and Government of Lebanon, the President of the Palestinian National Authority, the Palestinian Legislative Council and the Parliament and Government of Syria.

Kenya: failure to arrest President Omar al-Bashir of Sudan

P7_TA(2010)0315

European Parliament resolution of 9 September 2010 on Kenya: failure to arrest President Omar al-Bashir

(2011/C 308 E/15)

The European Parliament,

- having regard to its previous resolutions on the Darfur crisis in Sudan,
- having regard to the International Criminal Court arrest warrants issued against Sudanese President Omar al-Bashir for crimes against humanity and genocide,
- having regard to UN Security Council Resolution 1593/2005,
- having regard to the EU High Representative Catherine Ashton's statements of 22 July 2010 and 20 August 2010 urging Chad and Kenya, respectively, to cooperate with the ICC,
- having regard to Decision No ICC-02/05-01/09 of the Pre-Trial Chamber of the ICC of 27 August 2010 informing the UNSC and the Assembly of the States Parties to the Rome Statute about Omar al-Bashir's presence in the territory of the Republic of Kenya,

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- having regard to the Rome Statute,
 - having regard to the various partnership agreements, such as the Cotonou Agreement between the EU and African states, which stipulates that trade and aid are subject to conditions pertaining to the rule of law,
 - having regard to Article 4 of the Constitutive Act of the African Union, rejecting impunity,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the Kenyan Government invited and welcomed President Omar al-Bashir of Sudan to take part in the ceremony on 27 August 2010 at which the Kenyan Constitution was promulgated, knowing that he had been indicted by the ICC,
- B. whereas on 4 March 2009 the ICC issued an international warrant for the arrest of the President al-Bashir for crimes against humanity (murder, extermination, deportation, torture and rape) and war crimes (planning attacks on civilians and looting), and President al-Bashir is also the subject of an order of 12 July 2010 indicting him for 'genocide by killing, genocide by causing serious bodily or mental harm and genocide by deliberately inflicting on each target group conditions of life calculated to bring about the group's physical destruction',
- C. whereas Kenya, as well as 31 other African countries, is a signatory to the Rome Statute, which imposes upon them an obligation to arrest any person who is wanted by the ICC and to deliver them to the Court or deny the person admission to their territory,
- D. whereas countries which have ratified the UN Genocide Convention of 1948 have an obligation to cooperate with the ICC, even if they are not signatories to the Rome Statute,
- E. whereas Sudan, a Member State of the United Nations, has persistently refused to cooperate with the ICC, thus denying truth and justice to millions of victims of war atrocities in Sudan, and especially in the Darfur region,
- F. whereas the Kenyan Prime Minister has admitted that inviting President al-Bashir was a mistake and that the failure of the Kenyan authorities to arrest him constitutes a serious breach of Kenya's international obligations under not only the Rome Statute but also its national legislation, including its new Constitution, which recognises the direct applicability of international law,
- G. whereas former UN Secretary General Kofi Annan and the current mediator in the Kenyan crisis have demanded that Kenya should make clear its position on the ICC and reaffirm its commitment to the ICC,
- H. whereas Kenya has a clear obligation to cooperate with the ICC in relation to the enforcement of such arrest warrants, which stems both from United Nations Security Council Resolution 1593, whereby the United Nations Security Council urges all States and concerned regional and other international organisations to cooperate fully with the ICC, and from Article 87 of the Statute of the Court, to which the Republic of Kenya is a State Party,
- I. whereas President al-Bashir has visited Chad, which is likewise a signatory to the Treaty establishing the ICC, although it does not comply with its obligations,
- J. whereas, since being indicted, the President of Sudan has also visited Egypt, Libya, Saudi Arabia, Eritrea, Qatar, Zimbabwe and Ethiopia,

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- K. whereas in July 2009 the African Union indeed announced that its Member States would refuse to cooperate, as required by Article 98 of the Statute and whereas it reiterated this position after the indictment for genocide of Omar al-Bashir, then, by means of a resolution adopted by consensus on 27 July 2010 at its Kampala Summit, called on the UN Security Council to suspend the prosecution of the Sudanese President pursuant to Article 16 of the Statute,
- L. regretting the refusal of the African Union to permit the establishment of an ICC office at the AU and its threat to sanction those African States which do not respect the AU decision,
- M. whereas genocide, crimes against humanity and war crimes must not be allowed to go unpunished and whereas the treatment of the case of President al-Bashir sets an important precedent in efforts to combat the impunity of serving Heads of State,
1. Expresses its regret at Kenya's decision to invite President Omar al-Bashir to attend the signing of the new Constitution, which brings a new democratic governance era to the country;
 2. Calls on the members of the international community, including all African countries, to ensure full accountability for crimes committed against international law, particularly in Sudan;
 3. Calls on African Heads of State and Governments which are signatories to the Rome Statute to honour their commitments and cooperate with the ICC in its investigations of war crimes, crimes against humanity or genocide;
 4. Stresses that the ICC has a duty to exercise its jurisdiction impartially and universally, including in Western countries, and that respect for its decisions is vital to its credibility and its future action;
 5. Regrets that some UN Security Council members are not signatories to the Rome Statute establishing the ICC;
 6. Deplores the positions adopted by the African Union and the Arab League in refusing to cooperate with the ICC and calls on the High Representative of the European Union to take the necessary steps to ensure that this item is placed on the agenda at the next AU/EU Summit;
 7. Calls upon the African Union to review its position and oppose impunity, injustice, war crimes, crimes against humanity and genocide;
 8. Calls for an end to impunity for all crimes perpetrated during the war in Sudan, and hopes that President al-Bashir will soon be brought to the ICC in The Hague – where he will benefit from rights granted by international law – as part of the necessary re-establishment of justice, the rule of law and respect for the victims of such crimes;
 9. Calls on the President and Government of Kenya to reaffirm their commitment and their cooperation with the ICC, including with regard to the acts of violence following the elections of 2007 and 2008;
 10. Instructs its President to forward this resolution to the Council, the Commission, the institutions of the African Union, the governments and parliaments of the Member States, the United Nations Security Council, the International Criminal Court, the Kenyan Government and all parliaments and governments of IGAD.
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Human rights in Syria, in particular the case of Haythan Al - Maleh

P7_TA(2010)0316

European Parliament resolution of 9 September 2010 on human rights in Syria, in particular the case of Haythan Al-Maleh

(2011/C 308 E/16)

The European Parliament,

- having regard to its previous resolutions on Syria, in particular those of 8 September 2005 on political prisoners in Syria ⁽¹⁾, 15 June 2006 on human rights in Syria ⁽²⁾, 24 May 2007 on human rights in Syria ⁽³⁾, and 17 September 2009 on Syria: the case of Muhannad Al-Hassani ⁽⁴⁾,
 - having regard to its report containing Parliament's recommendation to the Council on the conclusion of a Euro-Mediterranean Association Agreement between the European Community and its Member States, of the one part, and the Syrian Arab Republic, of the other part, adopted on 10 October 2006,
 - having regard to its report on EU policies in favour of human rights defenders adopted on 17 June 2010,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966, to which Syria is a party,
 - having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1975, which was ratified by Syria on 18 September 2004,
 - having regard to the UN Declaration on Human Rights Defenders of 1998,
 - having regard to the European Union Guidelines on Human Rights Defenders,
 - having regard to the Joint Declaration of the Paris Summit for the Mediterranean of 13 July 2008,
 - having regard to the Declaration by High Representative Catherine Ashton on Syrian human rights cases of 27 July 2010,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. mindful of the importance of the political, economic and cultural ties that exist between the European Union and Syria,
- B. whereas Mr Haythan Al-Maleh, an 80 year-old Syrian human rights lawyer, was arrested by officers of the General Intelligence Service on 14 October 2009, held incommunicado until his interrogation by the Military Prosecutor on 20 October 2009, and sentenced by the Second Military Court of Damascus on 4 July 2010 to three years of imprisonment on the grounds of 'transferring false and exaggerated news that weaken national sentiments' under Articles 285 and 286 of the Syrian Criminal Code, despite the fact that military tribunals should not have competence to try civilians,

⁽¹⁾ OJ C 193 E, 17.8.2006, p. 349.

⁽²⁾ OJ C 300 E, 9.12.2006, p. 519.

⁽³⁾ OJ C 102 E, 24.4.2008, p. 485.

⁽⁴⁾ OJ C 224 E, 19.8.2010, p. 32.

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- C. whereas, according to reports by trial monitoring missions organised by international civil society organisations, the trial of Mr Al-Maleh failed to meet international standards of fairness, including the right to be presumed innocent and the right to defence,
- D. whereas Mr Al-Maleh, who suffers from arthritis, diabetes and thyroid problems, is being deprived of regular access to medication; whereas his health seriously deteriorated during summer 2010,
- E. whereas other prominent Syrian human rights defenders, including Mr Muhannad Al-Hassani and Mr Ali Al-Abdullah, remain imprisoned in the country,
- F. whereas the prosecution and conviction of Mr Al-Maleh on charges relating to public statements he made on the legal and political systems in Syria and of Mr Muhannad Al-Hassani on charges relating to his professional activities as a lawyer, including his observation of and reporting on public hearings before the State Security Court, amount to a form of punishment for exercising their legitimate right to freedom of expression as provided for by the ICCPR, to which Syria is a party,
- G. whereas the practices of harassment, restriction of freedom of movement and arbitrary arrest are regularly used by the Syrian authorities against human rights defenders in the country; whereas these practices are at odds with Syria's important role in the region,
- H. whereas the continued application of the Emergency Law is effectively limiting citizens in the exercise of their right to freedom of expression, association, and assembly,
- I. whereas the Association Agreement between the European Community and its Member States, of the one part, and the Syrian Arab Republic, of the other part, has still to be signed; whereas the signing of this Agreement has been delayed at Syria's request since October 2009; whereas respect for human rights constitutes an essential part of this Agreement,
- J. whereas the partnership between participant countries in the Union for the Mediterranean is based on the commitment to fully respect democratic principles, human rights, and fundamental freedoms, as enshrined in international human rights law,
1. Expresses its deepest concerns about the situation of Mr Haythan Al-Maleh and calls on the Syrian authorities to immediately and unconditionally release him, and to guarantee his physical and psychological well-being under all circumstances;
 2. Calls on the Syrian Government to reconsider all cases of prisoners of conscience in accordance with the national Constitution and the country's international commitments, and to immediately release all prisoners of conscience, including Mr Muhannad Al-Hassani, Mr Ali Al-Abdullah, Mr Anour Al-Bunni and Mr Kamal Labwani;
 3. Calls on the Syrian authorities to put an end to any persecution or harassment of human rights defenders and their families, and to ensure that human rights defenders are free to carry out their activities without any hindrance or intimidation;
 4. Calls on the Syrian authorities to abide by international human rights standards and international commitments which the country freely entered into and which guarantee freedom of opinion and of expression and the right to a fair trial, and to ensure that detainees are well-treated and not subjected to torture or other ill-treatment and are granted prompt, regular and unrestricted access to their families, lawyers and doctors;
 5. Calls on the Syrian authorities to ensure the transparent functioning of the judicial system, with special regard to the Supreme State Security Court;

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6. Reiterates its call for the repeal of the state of emergency in Syria, established more than 40 years ago;
7. Sees the prospect of signing the Association Agreement as offering a significant opportunity for addressing ongoing human rights violations and strengthening the reform process in Syria; calls on the Council and the Commission to make full use of this crucial leverage by adopting a bilateral Human Rights and Democracy Action Plan which clearly set out the specific human rights improvements it expects from the Syrian authorities;
8. Stresses that, in accordance with Article 218 of the TFEU, Parliament should be fully informed at all stages of the negotiations on international agreements; calls therefore on the Commission to report back to Parliament on the state of discussions with the Syrian authorities relating to the signing of the Association Agreement;
9. Welcomes the continuing dialogue between the European Union and Syria and hopes that the ongoing efforts will lead to improvements not only in the economic and social situation in Syria, which is already the case, but also politically and in the field of human rights;
10. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, and the Government and Parliament of the Syrian Arab Republic.

The lack of a transparent process for the Anti-Counterfeiting Trade Agreement (ACTA) and potentially objectionable content

P7_TA(2010)0317

Declaration of the European Parliament of 9 September 2010 on the lack of a transparent process for the Anti-Counterfeiting Trade Agreement (ACTA) and potentially objectionable content

(2011/C 308 E/17)

The European Parliament,

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

- A. whereas negotiations concerning the Anti-Counterfeiting Trade Agreement (ACTA) are ongoing,
 - B. whereas Parliament's co-decision role in commercial matters and its access to negotiation documents are guaranteed by the Lisbon Treaty,
1. Takes the view that the proposed agreement should not indirectly impose harmonisation of EU copyright, patent or trademark law, and that the principle of subsidiarity should be respected;
 2. Declares that the Commission should immediately make all documents related to the ongoing negotiations publicly available;
 3. Takes the view that the proposed agreement should not force limitations upon judicial due process or weaken fundamental rights such as freedom of expression and the right to privacy;
 4. Stresses that economic and innovation risks must be evaluated prior to introducing criminal sanctions where civil measures are already in place;

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5. Takes the view that internet service providers should not bear liability for the data they transmit or host through their services to an extent that would necessitate prior surveillance or filtering of such data;
6. Points out that any measure aimed at strengthening powers of cross-border inspection and seizure of goods should not harm global access to legal, affordable and safe medicines;
7. Instructs its President to forward this declaration, together with the names of the signatories ⁽¹⁾, to the Commission, the Council and the parliaments of the Member States.

⁽¹⁾ The list of signatories is published in Annex 1 to the Minutes of 9 September 2010 (P7_PV(2010)09-09(ANN1)).

European Year of Combating Violence against Women

P7_TA(2010)0318

Declaration of the European Parliament of 9 September 2010 on establishing a European Year of Combating Violence against Women

(2011/C 308 E/18)

The European Parliament,

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

- A. whereas the expression ‘violence against women’ denotes any act of gender-based violence causing or liable to cause women harm or physical, sexual or psychological suffering, including the simple fact of threatening such acts or the arbitrary limitation or deprivation of freedom, whether in the public sphere or in their personal lives,
 - B. whereas violence against women is a major obstacle to gender equality and is one of the most widespread human rights violations, knowing no geographical, financial, cultural or social barriers,
 - C. whereas this is a critical problem in the European Union, where 20 to 25 % of women suffer physical violence in their adult life and over 10 % are the victims of sexual violence,
 - D. whereas Parliament has called on several occasions for a European Year of Combating Violence against Women to be established, in particular in its resolution on equality between women and men in 2009,
1. Emphasises the importance of combating violence against women in order to help achieve gender equality;
 2. Calls on the Commission to establish, within the next five years, a European Year of Combating Violence against Women;
 3. Instructs its President to forward this declaration, together with the names of the signatories ⁽¹⁾, to the Commission.

⁽¹⁾ The list of signatories is published in Annex 2 to the Minutes of 9 September 2010 (P7_PV(2010)09-09(ANN2)).

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II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN PARLIAMENT

Request for the waiver of the parliamentary immunity of Mr Viktor Uspaskich

P7_TA(2010)0296

European Parliament decision of 7 September 2010 on the request for waiver of the immunity of Viktor Uspaskich (2009/2147(IMM))

(2011/C 308 E/19)

The European Parliament,

- having regard to the request for waiver of the immunity of Viktor Uspaskich, forwarded by the Lithuanian judicial authorities on 14 July 2009 and announced in plenary sitting on 7 October 2009,
- having heard Viktor Uspaskich, in accordance with Rule 7(3) of its Rules of Procedure,
- having regard to Article 8 and 9 of Protocol (No 7) on the Privileges and Immunities of the European Union annexed to the Treaties,
- having regard to the judgments of 12 May 1964 and 10 July 1986 ⁽¹⁾ of the Court of Justice of the European Union,
- having regard to Article 62 of the Constitution of the Republic of Lithuania,
- having regard to Rules 6(2) and 7 of its Rules of Procedure,
- having regard to the report of the Committee on Legal Affairs (A7-0244/2010),

A. whereas criminal proceedings have been brought against Viktor Uspaskich, Member of the European Parliament, who is accused in the proceedings pending in the Vilnius Regional Court of criminal offences under Article 24(4) in conjunction with Article 222(1), Article 220(1), Article 24(4) in conjunction with Article 220(1), Article 205(1) and Article 24(4) in conjunction with Article 205(1) of the Lithuanian Criminal Code,

⁽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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- B. whereas, according to Article 9 of the Protocol on the Privileges and Immunities of the European Union, 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 found 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,
 - C. whereas the charges brought against Mr Uspaskich do not relate to opinions expressed or votes cast in the performance of his duties as a Member of the European Parliament,
 - D. whereas, according to Article 62 of the Constitution of the Republic of Lithuania, a Member of the national Parliament (the Seimas) may not be held criminally liable, arrested, nor may his freedom be otherwise restricted without the consent of the Seimas,
 - E. whereas Article 62 goes on to provide that a Member of the Seimas may not be persecuted for his voting or his speeches at the Seimas, although he may be held liable according to the general procedure for personal insult or slander,
 - F. whereas Mr Uspaskich is essentially charged with offences of false accounting in relation to the financing of a political party during a period prior to his election to the European Parliament,
 - G. whereas no cogent evidence has been adduced as to the existence of any *fumus persecutionis* and the offences with which Mr Uspaskich is charged have nothing to do with his activities as a Member of the European Parliament,
 - H. whereas it is therefore appropriate to waive his immunity,
1. Decides to waive the immunity of Viktor Uspaskich;
 2. Instructs its President to forward this decision, and the report of the committee responsible, immediately to the appropriate authority of the Republic of Lithuania.
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III

(Preparatory acts)

EUROPEAN PARLIAMENT

Freedom of movement for workers within the Union *I**

P7_TA(2010)0291

European Parliament legislative resolution of 7 September 2010 on the proposal for a regulation of the European Parliament and of the Council on freedom of movement for workers within the Union (codification) (COM(2010)0204 – C7-0112/2010 – 2010/0110(COD))

(2011/C 308 E/20)

(Ordinary legislative procedure – codification)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0204),
- having regard to Article 294(2) and Article 46 of the Treaty on the Functioning of the European Union (TFEU), pursuant to which the Commission submitted the proposal to Parliament (C7-0112/2010),
- having regard to Article 294(3) TFEU,
- having regard to the reasoned opinions sent to its President by national parliaments on the compliance of the draft act with the principle of subsidiarity,
- having regard to the opinion of the European Economic and Social Committee of 14 July 2010,
- having regard to the Interinstitutional Agreement of 20 December 1994 – Accelerated working method for official codification of legislative texts ⁽¹⁾,
- having regard to Rules 86 and 55 of its Rules of Procedure,
- having regard to the report of the Committee on Legal Affairs (A7-0222/2010),

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 contains a straightforward codification of the existing texts without any change in their substance,

1. Adopts its position at first reading hereinafter set out;
2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 102, 4.4.1996, p. 2.

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P7_TC1-COD(2010)0110

Position of the European Parliament adopted at first reading on 7 September 2010 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of the Council on freedom of movement for workers within the Union (codification)

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No .../2011)

Authentication of euro coins and handling of euro coins unfit for circulation *I**

P7_TA(2010)0292

European Parliament legislative resolution of 7 September 2010 on the proposal for a regulation of the European Parliament and of the Council concerning authentication of euro coins and handling of euro coins unfit for circulation (COM(2009)0459 – C7-0207/2009 – 2009/0128(COD))

(2011/C 308 E/21)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2009)0459),
- having regard to Article 123(4) of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0207/2009),
- 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) and the addendum thereto (COM(2010)0147),
- having regard to Article 294(3) and Article 133 of the Treaty on the Functioning of the European Union,
- having regard to the opinion of the European Central Bank of 16 November 2009 ⁽¹⁾,
- having regard to Rule 55 of its Rules of Procedure,
- having regard to the report of the Committee on Economic and Monetary Affairs (A7-0212/2010),

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.

⁽¹⁾ OJ C 284, 25.11.2009, p. 6.

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P7_TC1-COD(2009)0128

Position of the European Parliament adopted at first reading on 7 September 2010 with a view to the adoption of Regulation (EU) No .../2010 of the European Parliament and of the Council concerning authentication of euro coins and handling of euro coins unfit for circulation

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 1210/2010)

Macro-financial assistance for the Republic of Moldova *I**

P7_TA(2010)0293

European Parliament legislative resolution of 7 September 2010 on the proposal for a decision of the European Parliament and of the Council providing macro-financial assistance to the Republic of Moldova (COM(2010)0302 – C7-0144/2010 – 2010/0162(COD))

(2011/C 308 E/22)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0302),
- having regard to Article 294(2) and Article 212 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0144/2010),
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to Rule 55 of its Rules of Procedure,
- having regard to the report of the Committee on International Trade (A7-0242/2010),

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(2010)0162

Position of the European Parliament adopted at first reading on 7 September 2010 with a view to the adoption of Decision No .../2010/EU of the European Parliament and of the Council providing macro-financial assistance to the Republic of Moldova

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Decision No 938/2010/EU)

Tuesday 7 September 2010

Temporary suspension of autonomous Common Customs Tariff duties on imports of certain industrial products into Madeira and the Azores *

P7_TA(2010)0294

European Parliament legislative resolution of 7 September 2010 on the proposal for a Council regulation temporarily suspending autonomous Common Customs Tariff duties on imports of certain industrial products into the autonomous regions of Madeira and the Azores (09109/2010 – C7-0106/2010 – 2009/0125(CNS))

(2011/C 308 E/23)

(Special legislative procedure – renewed consultation)

The European Parliament,

- having regard to the Council draft (09109/2010),
 - having regard to the Commission proposal to the Council (COM(2009)0370),
 - having regard to its position of 20 January 2010 ⁽¹⁾,
 - having regard to Article 349 of the Treaty on the Functioning of the European Union, pursuant to which the Council again consulted Parliament (C7-0106/2010),
 - having regard to Rules 55 and 59(3) of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Development (A7-0232/2010),
1. Approves the Council draft 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 draft substantially or replace it with another text;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

COUNCIL DRAFT

AMENDMENTS BY PARLIAMENT

Amendment 1

Draft regulation

Article 6a – paragraph 2

2. As soon as it adopts a delegated act, the Commission shall notify it to the Council.

2. As soon as it adopts a delegated act, the Commission shall notify it to **the European Parliament and** the Council.

⁽¹⁾ Texts Adopted, P7_TA(2010)0002.

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COUNCIL DRAFT

AMENDMENTS BY PARLIAMENT

Amendment 2**Draft regulation****Article 6b – paragraph 2**

2. Where the Council has commenced an internal procedure for deciding whether to revoke the delegation of powers, it shall endeavour to inform the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.

2. Where the Council has commenced an internal procedure for deciding whether to revoke the delegation of powers, it shall endeavour to inform **the European Parliament and** the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.

Amendment 3**Draft regulation****Article 6c – paragraph 1**

1. The Council may object to the delegated acts within a period of three months from the date of notification.

1. The Council may object to the delegated acts within a period of three months from the date of notification. **If it intends to object, the Council shall endeavour to inform the European Parliament within a reasonable time before it takes the final decision, indicating the delegated act to which it intends to object and the possible reasons for its objection.**

Draft amending budget No 2/2010: BEREC (Office of the Body of the European Regulators for Electronic Communications)

P7_TA(2010)0295

European Parliament resolution of 7 September 2010 on Council's position on Draft amending budget No 2/2010 of the European Union for the financial year 2010, Section III - Commission (12583/2010 – C7-0194/2010 – 2010/2046(BUD))

(2011/C 308 E/24)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union and in particular Article 314 thereof and to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,
- having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾, and particularly Articles 37 and 38 thereof,
- having regard to the general budget of the European Union for the financial year 2010, as finally adopted on 17 December 2009 ⁽²⁾,
- having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽³⁾,
- having regard to Draft amending budget No 2/2010 of the European Union for the financial year 2010, which the Commission presented on 19 March 2010 (COM (2010)0108),

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ L 64, 12.3.2010.

⁽³⁾ OJ C 139, 14.6.2006, p. 1.

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- having regard to the letter of Commissioner Janusz Lewandowski to President Buzek of 9 July 2010,
 - having regard to Council's position on Draft amending budget No 2/2010, which the Council established on 26 July 2010 (12583/2010 – C7-0194/2010),
 - having regard to Rules 75b and 75e of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets (A7-0240/2010),
- A. whereas the Council's position on Draft amending budget No 2/2010 covers the establishment plan of the BEREK (Body of European Regulators for Electronic Communications) Office,
- B. whereas the purpose of Draft amending budget No 2/2010 is to formally enter this budgetary adjustment into the 2010 budget,
- C. whereas the Council adopted its position on 26 July 2010,
1. Takes note of Draft amending budget No 2/2010;
 2. Approves Council's position on Draft amending budget No 2/2010 unamended and instructs its President to declare that Amending budget No 3/2010 has been definitively adopted and to arrange for its publication in the *Official Journal of the European Union*;
 3. Instructs its President to forward this resolution to the Council and the Commission.

Agreement between the EU and Japan on mutual legal assistance in criminal matters ***

P7_TA(2010)0297

European Parliament legislative resolution of 7 September 2010 on the draft Council decision on the conclusion of the Agreement between the European Union and Japan on mutual legal assistance in criminal matters (05308/2010 – C7-0029/2010 – 2009/0188(NLE))

(2011/C 308 E/25)

(Consent)

The European Parliament,

- having regard to the draft Council decision (05308/2010),
- having regard to the draft agreement between the European Union and Japan on mutual legal assistance in criminal matters (15915/2009),
- having regard to the request for consent submitted by the Council in accordance with Article 82(1), second subparagraph, point (d) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0029/2010),
- having regard to Rules 81 and 90(8) of its Rules of Procedure,
- having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A7-0209/2010),

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1. Consents to conclusion of the agreement;
2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of Japan.

Bilateral safeguard clause in the EU-Korea free trade agreement ***I

P7_TA(2010)0301

Proposal for a regulation of the European Parliament and of the Council implementing the bilateral safeguard clause of the EU-Korea Free Trade Agreement (COM(2010)0049 – C7-0025/2010 – 2010/0032(COD))

(2011/C 308 E/26)

(Ordinary legislative procedure: first reading)

The proposal was amended on 7 September 2010 as follows ⁽¹⁾:

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 1

Proposal for a regulation Recital 3 a (new)

(3a) Trade barriers in the home market of a trading partner tend to support exports from that market abroad and if it is to the EU they might thereby generate conditions for the application of the safeguard clause.

Amendment 2

Proposal for a regulation Recital 5

(5) Safeguard measures may be considered only if the product in question is imported into the Union in such increased quantities and under such conditions as to cause, or threaten to cause, serious injury to the Unions producers of like or directly competing products as laid down in Article 3.1. Chapter 3 of the Agreement;

(5) Safeguard measures may be considered only if the product in question is imported into the Union in such increased quantities **or the economic activity in question is increased in such a measure**, and under such conditions as to cause, or threaten to cause, serious injury to the Unions producers of like or directly competing products **or economic activities** as laid down in Article 3.1. Chapter 3 of the Agreement;

Amendment 3

Proposal for a regulation Recital 5 a (new)

(5a) Serious injury or the threat of serious injury to Union producers may also be caused by the non-fulfilment of specific obligations under Chapter 13 of the Agreement – particularly in respect of the social and environmental standards laid down therein – thus necessitating the imposition of safeguard measures.

⁽¹⁾ The matter was then referred back to committee pursuant to Rule 57(2), second subparagraph (A7-0210/2010).

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

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

(5b) Whether there is serious injury or the threat of serious injury to producers or specific sectors of the economy in the Union also depends on whether the Agreement's rules on non-tariff barriers to trade are observed. This consideration could necessitate the imposition of safeguard measures.

Amendment 5**Proposal for a regulation
Recital 6 a (new)**

(6a) The tasks of following up and reviewing the Agreement and, if necessary, imposing safeguard measures should be carried out in the most transparent manner possible and with the involvement of civil society. To that end, the Domestic Advisory Group and the Civil Society Forum need to be included at every stage of the process.

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

(6b) The Commission should submit a report once a year on the application and implementation of the Agreement and the application of the safeguard measures. Should it become apparent that the safeguard measures are insufficient, the Commission should submit a comprehensive proposal for more far-reaching safeguard measures, such as limits on quantities, quotas, import authorisation arrangements or other corrective measures.

Amendment 7**Proposal for a regulation
Recital 7 a (new)**

(7a) The reliability of statistics on all imports from Republic of Korea to the EU is therefore crucial to determine the existence of a threat of serious injury to Union industry as a whole or its different sectors from the day of entry into force of the Agreement.

Amendment 8**Proposal for a regulation
Recital 13 a (new)**

(13a) Close monitoring and regular assessments will facilitate and shorten the initiation of proceedings and the investigation phase. Therefore the Commission should regularly monitor import and export statistics and assess the impact of the Agreement on different sectors from the day of its entry into force.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 9**Proposal for a regulation
Recital 13 b (new)**

(13b) The Commission, the Member States and the Union producers should monitor and evaluate, on an ongoing basis, the import and export statistics on sensitive product lines covered by the Agreement from the day that it comes into force, so that any serious injury or threat of serious injury to Union producers can be identified in good time.

Amendment 10**Proposal for a regulation
Recital 13 c (new)**

(13c) It is necessary to lay down certain procedures relating to the application of Article 14 (Drawback of, or exemption from, customs duties) of the Protocol concerning the definition of 'originating products' and methods of administrative co-operation of the Agreement (hereinafter the 'Rules of Origin Protocol') in order to ensure the effective operation of the mechanisms provided for therein and to provide for a comprehensive exchange of information with relevant stakeholders.

Amendment 11**Proposal for a regulation
Recitals 13 d and e (new)**

(13d) Because it will not be possible to limit customs duty drawback until five years after the Agreement comes into force, it may be necessary, on the basis of this Regulation, to impose safeguard measures in response to a serious injury or threat of serious injury to Union producers that is caused by duty drawback or exemption from duty. Therefore, from the day of the Agreement's entry into force, the Commission should monitor particularly closely, in particular in sensitive sectors, the rate of inclusion in products imported from the Republic of Korea of components or materials from third countries, any changes in that rate and the impact of such changes on the market situation.

(13e) Therefore the Commission should monitor Korean and third party statistics and list the range of products potentially affected by duty drawback from the day of entry into force of the Agreement.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 12**Proposal for a regulation
Recital 13 f (new)**

(13f) If a Commission's investigation concludes that damage occurred in the Union's industry as a result of the Agreement, then only for the purposes of the Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽¹⁾ ('EGAF Regulation'), it shall be understood that:

- (a) 'major structural changes in world trade patterns due to globalisation', as used in Article 1(1) of the EGAF Regulation shall include an increase in Korean imports to Europe, or failure to increase EU exports to Korea;
- (b) redundancies in the automotive industry:
 - have 'significant adverse impact on the regional or local economy', and 'serious impact on employment and the local economy', as used in, respectively, Articles 1(1) and 2(c) of the EGAF Regulation; and
 - are 'exceptional circumstances' as used in Article 2(c) of the EGAF Regulation.

⁽¹⁾ OJ L 406, 30.12.2006, p. 1.

Amendment 13**Proposal for a regulation
Recital 13 g (new)**

(13g) In order to prevent serious injury or the threat of serious injury to producers or sectors of the economy in the Union, the Commission should closely monitor production capacities in those third countries in which components or materials which are included in products covered by the Agreement are manufactured, as well as the observance in those countries of ILO and UN standards in relation to social and working conditions and environmental standards.

Amendment 14**Proposal for a regulation
Recitals 13 h-j (new)**

(13h) Article 11.1.2 of Chapter Eleven of the Agreement establishes a requirement that the Parties maintain in their respective territories comprehensive competition laws which effectively address restrictive agreements, concerted practices and abuse of dominance by one or more enterprises.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

(13i) Article 11.6.2 of Chapter Eleven establishes an obligation on the Parties to co-operate in relation to their respective enforcement policies and in the enforcement of their respective competition laws, including through enforcement cooperation, notification, consultation and exchange of non-confidential information based on the Agreement between the European Community and the Government of the Republic of Korea concerning cooperation on anti-competitive activities signed on 23 May 2009 (the 'Cooperation Agreement').

(13j) The purpose of the Cooperation Agreement is to contribute to the effective enforcement of the competition laws of each Party through promoting cooperation and coordination between the competition authorities of the Parties.

Amendment 15

Proposal for a regulation Recital 14

(14) *The measures necessary for the implementation of this Regulation should be adopted in accordance with* Council decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.

(14) The implementation of the bilateral safeguard clause of the Agreement requires that uniform conditions for the adoption of provisional and definitive safeguard measures, for the imposition of surveillance measures, and for the termination of an investigation and a proceeding without measures, should be adopted by the Commission. According to Article 291 of the Treaty on the Functioning of the European Union, rules and general principles concerning mechanisms for the control by Member States of the Commission's exercise of implementing powers shall be laid down in advance by a regulation adopted in accordance with the ordinary legislative procedure. Pending the adoption of that new regulation, Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission *continues to apply, with the exception of the regulatory procedure with scrutiny, which is not applicable,*

Amendment 16

Proposal for a regulation Recital 14 a (new)

(14a) This regulation should extend only to goods produced in the European Union and in the Republic of Korea. It should not cover products, parts or components the production of which is contracted out to manufacturing zones such as Kaesong. Before the scope of this Regulation can be extended to include products contracted out to external manufacturing zones, it should be amended in accordance with the ordinary legislative procedure. In any extension of the regulation's scope, it should be ensured that obligations under Chapter 13 of the Agreement are also met in external manufacturing zones.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 17**Proposal for a regulation
Article 1 – point a**

(a) 'Union industry' means the Union producers as a whole of the like or directly competitive products operating within the territory of the Union, or those Union producers whose collective output of the like or directly competitive products constitutes a major proportion of the total Union production of those products;

(a) 'Union industry' means the Union producers as a whole of the like or directly competitive products operating within the territory of the Union, or those Union producers whose collective output of the like or directly competitive products constitutes a major proportion of the total Union production of those products. *In cases where the like or directly competitive product is only one of several products that are made by the producers who constitute the Union industry, the industry shall be defined as the specific operations that are involved in the production of the like or directly competitive product;*

Amendment 18**Proposal for a regulation
Article 1 – point c**

(c) 'threat of serious injury' means serious injury that is clearly imminent; a determination of the existence of a threat of serious injury shall be based on facts and not merely on allegation, conjecture or remote possibility;

(c) 'threat of serious injury' means serious injury that is clearly imminent; a determination of the existence of a threat of serious injury shall be based on *verifiable* facts and not merely on allegation, conjecture or remote possibility; *forecasts, estimations and analyses made on the basis of factors laid down in Article 4(5), should inter alia, be taken into account to determine the existence of a threat of serious injury;*

Amendment 19**Proposal for a regulation
Article 1 – point e a (new)**

(ea) 'interested parties' means parties affected by the imports of the product in question;

Amendment 20**Proposal for a regulation
Article 1 - point e b (new)**

(eb) 'products' means goods produced in the European Union and the Republic of Korea. It does not include goods or components the production of which is contracted out to external manufacturing zones. Before the regulation's scope can be extended to include products contracted out to external manufacturing zones, it shall be amended in accordance with the ordinary legislative procedure;

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 21**Proposal for a regulation**
Article 1 - point e c (new)

(ec) *'such conditions as to cause or threaten to cause' includes such factors as the production capacity, utilisation rates, currency practices and labour conditions of a third country with regard to the manufacturing of components and materials incorporated into the product concerned;*

Amendment 22**Proposal for a regulation**
Article 1 - point e d (new)

(ed) *'region(s)' means one or more Member States in the Union.*

Amendment 23**Proposal for a regulation**
Article 2 - paragraph 1

1. A safeguard measure may be imposed in accordance with the provisions set out in this Regulation where a product originating in Korea is, as a result of the reduction or the elimination of the customs duties on that product, being imported in the Union in such increased quantities, in absolute terms or relative to domestic production, and under such conditions as to cause or threaten to cause serious injury to the Union industry producing a like or directly competitive product.

1. A safeguard measure may be imposed in accordance with the provisions set out in this Regulation where a product **or an economic activity** originating in Korea is, as a result of the reduction or the elimination of the customs duties on that product **or activity** being imported in the Union in such increased quantities, in absolute terms or relative to domestic production, and under such conditions as to cause or threaten to cause serious injury to the Union industry producing a like or directly competitive product **or activity**.

Amendment 24**Proposal for a regulation**
Article 2 – paragraph 1 a (new)

1a. *Where it emerges, primarily on the basis of the factors referred to in Article 4(5), that the conditions laid down for the adoption of measures pursuant to Article 2(1) are met in one or more regions of the Union, the Commission, after having examined alternative solutions, may exceptionally authorise the application of surveillance or safeguard measures limited to the region(s) concerned if it considers that such measures applied at that level are more appropriate than measures applied throughout the Union.*

These measures must be temporary and must disrupt the operation of the internal market as little as possible. They shall be adopted in accordance with the provisions laid down in Article 2(2).

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 25**Proposal for a regulation****Article 2 - paragraphs 2 a and b (new)**

2a. For safeguard measures to be used effectively, the Commission (Eurostat) shall present an annual monitoring report to the European Parliament and the Council on updated statistics on imports from Korea impacting sensitive sectors in the EU as a result of the Agreement.

2b. In case of a proven threat of injury reported to the Commission by the Union industry, the Commission may consider broadening the scope of the monitoring for other impacted sectors (interested parties).

Amendment 26**Proposal for a regulation****Article 2 a (new)****Article 2a****Monitoring**

The Commission shall monitor the evolution of import and export statistics of Korean products, and shall cooperate and exchange data on a regular basis with Member States and the Union industry. The Commission shall ensure that Member States provide adequate and good quality statistical data diligently.

The Commission shall closely monitor Korean and third party statistics and forecasts for the range of products potentially affected by duty drawback from the day of entry into force of the Agreement.

Amendment 27**Proposal for a regulation****Article 3 – paragraph 1**

1. An investigation shall be initiated upon request by a Member State or on the Commission's own initiative if it is apparent to the Commission that there is sufficient evidence to justify such initiation.

1. An investigation shall be initiated upon request by a Member State, *the European Parliament, the Domestic Advisory Group, by any legal person or any association not having legal personality, acting on behalf of the Union industry and representing at least 25 % of it* or on the Commission's own initiative if it is apparent to the Commission that there is sufficient *prima facie* evidence *as determined on the basis of factors laid down in Article 4(5)*, to justify such initiation.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

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

1a. The request to initiate an investigation shall contain evidence of the meeting of the conditions for imposing the safeguard measure within the meaning of Article 2(1). The request shall generally contain the following information: the rate and amount of the increase in imports of the product concerned in absolute and relative terms, the share of the domestic market taken by increased imports, changes in the level of sales, production, productivity, capacity utilisation, profits and losses and employment.

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

1b. In applying paragraph 1, and for a period of five years after the Agreement's entry into force, the Commission shall pay particular attention to finished products from the Republic of Korea being imported into the European Union at an increased rate where such an increase is attributable to increased use in the finished products of parts or components imported into the Republic of Korea from third countries which have not concluded a free trade agreement with the European Union and which are covered by the provisions for customs duty drawback or exemption from customs duty.

Amendment 30**Proposal for a regulation
Article 3 – paragraph 2**

2. The Member States shall inform the Commission should trends in imports from the Republic of Korea appear to call for safeguard measures. That information shall include the evidence available as determined on the basis of factors laid down in Article 4. The Commission shall **pass** that information on to all Member States **within three working days**.

2. The Member States, **or the Union industry** shall inform the Commission should trends in imports from the Republic of Korea appear to call for safeguard measures. That information shall include the evidence available as determined on the basis of factors laid down in Article 4(5). The Commission shall, **within three working days, upload** that information on to the online-platform referred to in Article 9 (the Online-Platform), and shall send an upload notification to all Member States, the Union industry, and the European Parliament.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 31**Proposal for a regulation
Article 3 - paragraph 3**

3. Consultation with the Member States shall take place within eight working days of the Commission's sending the information **to Member States** as provided for in paragraph 2 within the Committee referred to in Article 10 on the basis of the procedure referred to in Article 11.1. Where, after consultation, it is apparent that there is sufficient evidence to justify the initiation of a proceeding the Commission shall publish a notice in the *Official Journal of the European Union*. Initiation shall take place within one month of the **receipt of information from** a Member State.

3. Consultation with the Member States shall take place within eight working days of the Commission's sending the information as provided for in paragraph 2 within the Committee referred to in Article 10 on the basis of the procedure referred to in Article 11(1). Where, after consultation, it is apparent that there is sufficient evidence **determined on the basis of factors laid down in Article 4(5)** to justify the initiation of a proceeding the Commission shall publish a notice in the **Online-Platform and in the** *Official Journal of the European Union*. Initiation shall take place within one month of the **request** by a Member State, **the European Parliament, or by the Union industry**.

Amendment 32**Proposal for a regulation
Article 3 - paragraph 4 a (new)**

4a. Evidence collected for the purpose of initiating proceedings in accordance with Article 14(2) of the Rules of Origin Protocol annexed to the Agreement (Drawback of, or exemption from, customs duties) may also be used for investigations with a view to the imposition of safeguard measures where the conditions stipulated in this article are met.

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

1. Following the initiation of the proceeding, the Commission shall commence an investigation.

1. Following the initiation of the proceeding, the Commission shall commence an investigation. **The investigation period as set in Article 4(3) shall start on the day the decision to initiate the investigation is published in the Official Journal.**

Amendment 34**Proposal for a regulation
Article 4 – paragraph 2**

2. The Commission may request Member States to supply information and Member States shall take whatever steps are necessary in order to give effect to any such request. Where that information is of general interest or where its transmission was requested by a Member State, the Commission shall **forward it to all Member States** provided it is not confidential. If the information is confidential the Commission shall **forward** a non-confidential summary.

2. The Commission may request Member States to supply information and Member States shall take whatever steps are necessary in order to give effect to any such request. Where that information is of general interest or where its transmission was requested by a Member State, **the European Parliament or the Union industry**, the Commission shall **upload the information onto the Online-Platform** provided it is not confidential. If the information is confidential the Commission shall **upload** a non-confidential summary.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 35**Proposal for a regulation
Article 4 – paragraph 3**

3. The investigation shall, *whenever possible*, be concluded within *six months* of the initiation of the investigation. *In exceptional circumstances duly justified by the Commission, that time limit may be extended by a further period of three months.*

3. The investigation shall be concluded within **200 days** of the initiation of the investigation.

Amendment 36**Proposal for a regulation
Article 4 – paragraph 5**

5. In the investigation the Commission shall evaluate all relevant factors of an objective and quantifiable nature having a bearing on the situation of the Union industry, in particular, the rate and amount of the increase in imports of the product concerned in absolute and relative terms, the share of the domestic market taken by increased imports, changes in the level of sales, production, productivity, capacity utilisation, profits and losses, and employment.

5. In the investigation the Commission shall evaluate all relevant factors of an objective and quantifiable nature having a bearing on the situation of the Union industry, in particular, the rate and amount of the increase in imports of the product concerned in absolute and relative terms, the share of the domestic market taken by increased imports, changes in the level of sales, production, productivity, capacity utilisation, profits and losses, and employment. *This list is not exhaustive and other relevant factors may also be taken into consideration by the Commission for its injury determination, such as stocks, prices, return on capital employed, cash flow, and other factors which are causing or may have caused serious injury, or threaten to cause serious injury. In the event that third-country content commonly accounts for a significant amount of the manufacturing cost of the product concerned, the Commission should also evaluate, as bearing on the situation of the Union industry, the production capacity, utilisation rates, currency practices and labour conditions of the third countries concerned.*

Amendment 37**Proposal for a regulation
Article 4 – paragraph 5 a (new)**

5a. Moreover, in the investigation, the Commission shall evaluate, the observance by the Republic of Korea of the social and environmental standards laid down in Chapter 13 of the Agreement and any consequent effects on price building or unfair competitive advantages potentially leading to serious injury or the threat of serious injury to producers or specific sectors of the economy in the European Union.

Amendment 38**Proposal for a regulation
Article 4 – paragraph 5 b (new)**

5b. In the investigation, the Commission shall also evaluate observance of the Agreement's rules on non-tariff barriers to trade and any serious injury to producers or individual sectors of the economy in the European Union that may result therefrom.

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TEXT PROPOSED BY THE COMMISSION

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Amendment 39**Proposal for a regulation
Article 4 – paragraph 6**

6. Interested parties which have come forward pursuant to Article 3 (4) (b) and representatives of the Republic of Korea may, upon written request, inspect all information made available to the Commission in connection with the investigation other than internal documents prepared by the authorities of the Union or its Member States, provided that that information is relevant to the presentation of their case and not confidential within the meaning of Article 9 and that it is used by the Commission in the investigation. Interested parties which have come forward may communicate their views on the information in question to the Commission. Those views *may* be taken into consideration where they are backed by sufficient evidence.

6. Interested parties which have come forward pursuant to Article 3 (4) (b) and representatives of the Republic of Korea may, upon written request, inspect all information made available to the Commission in connection with the investigation other than internal documents prepared by the authorities of the Union or its Member States, provided that that information is relevant to the presentation of their case and not confidential within the meaning of Article 9 and that it is used by the Commission in the investigation. Interested parties which have come forward may communicate their views on the information in question to the Commission. Those views ***shall*** be taken into consideration where they are backed by sufficient evidence.

Amendment 40**Proposal for a regulation
Article 4 – paragraph 7**

7. The Commission *may* hear ***the*** interested parties. Such parties shall be heard where they have made a written application within the period laid down in the notice published in the *Official Journal of the European Union*, showing that they are actually likely to be affected by the outcome of the investigation and that there are ***special*** reasons for them to be heard orally.

7. The Commission ***shall*** hear interested parties. Such parties shall be heard where they have made a written application within the period laid down in the notice published in the *Official Journal of the European Union*, showing that they are actually likely to be affected by the outcome of the investigation and that there are reasons for them to be heard orally.

The Commission shall hear such parties on further occasions if there are special reasons for them to be heard again.

Amendment 41**Proposal for a regulation
Article 4 a (new)****Article 4a****Surveillance measures**

1. ***Where the trend in imports of a product originating in the Republic of Korea is such that they could lead to one of the situations referred to in Article 2, imports of that product may be subject to prior European Union surveillance.***

2. ***The decision to impose surveillance shall be taken by the Commission on the basis of the procedure referred to in Article 11(1).***

3. ***Surveillance measures shall have a limited period of validity. Unless otherwise provided, they shall cease to be valid at the end of the second six-month period following the first six months after the measures were introduced.***

4. ***Surveillance measures may be restricted to the territory of one or more regions of the Union where necessary.***

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TEXT PROPOSED BY THE COMMISSION

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Amendment 42**Proposal for a regulation
Article 5 – paragraph 1**

1. Provisional safeguard measures shall be applied in critical circumstances where a delay would cause damage which it would be difficult to repair, pursuant to a preliminary determination that there is **clear** evidence that imports of an originating good from the Republic of Korea have increased as the result of the reduction or elimination of a customs duty under the Agreement, and such imports cause serious injury, or threat thereof, to the domestic industry. Provisional measures shall be taken on the basis of the procedure referred to in *Article 11.1*.

1. Provisional safeguard measures shall be applied in critical circumstances where a delay would cause damage which it would be difficult to repair, pursuant to a preliminary determination **on the basis of the factors laid down in Article 4(5)** that there is **sufficient** evidence that imports of an originating good from the Republic of Korea have increased as the result of the reduction or elimination of a customs duty under the Agreement, and such imports cause serious injury, or threat thereof, to the domestic industry. Provisional measures shall be taken on the basis of the procedure referred to in *Article 11(1)*.

Amendment 43**Proposal for a regulation
Article 5 – paragraph 2**

2. Where a Member State requests immediate intervention by the Commission and where the conditions in paragraph 1 are met, the Commission shall take a decision within five working days of receiving the request.

2. Where a Member State, **the European Parliament, or the Union industry** requests immediate intervention by the Commission and where the conditions in paragraph 1 are met, the Commission shall take a decision within five working days of receiving the request. **The investigation period as set in Article 4(3) shall start on the day the decision to apply provisional safeguard measures is taken.**

Amendment 44**Proposal for a regulation
Article 5 – paragraph 4 a (new)**

4a. The measures referred to in this Article shall apply to every product which is put into free circulation after their entry into force. However, such measures shall not prevent the release for free circulation of products already on their way to the Union provided that the destination of such products cannot be changed.

Amendment 45**Proposal for a regulation
Article 6**

Where bilateral safeguard measures **are deemed unnecessary** the investigation and proceeding shall be terminated on the basis of the procedure referred to in *Article 11.2*.

1. Where bilateral safeguard measures **do not meet the requirements of this Regulation**, the investigation and proceeding shall be terminated on the basis of the procedure referred to in *Article 11(1)*.

2. **Without prejudice to paragraph 1, if the European Parliament expresses an objection to the draft decision not to impose bilateral safeguard measures, on the grounds that this decision would negate the intention of the legislator, the Commission shall re-examine the draft decision. Taking the reasons for the objection into account and within the time-limits of the procedure underway, the Commission may submit a new draft decision to the committee or submit a proposal to the European Parliament and the Council in accordance with the Treaty. The Commission shall inform the European Parliament, the Council and the committee of the action which it intends to take and of its reasons for doing so.**

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TEXT PROPOSED BY THE COMMISSION

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3. The Commission shall publish a report setting forth its findings and reasoned conclusions reached on all pertinent issues of fact and law with due regard to the protection of confidential information within the meaning of Article 9.

Amendment 46

Proposal for a regulation Article 7

Where the facts as finally established show that the circumstances set out in Article 2.1 are met, a decision to impose definitive bilateral safeguard measures shall be taken in accordance with the procedure referred to in **Article 11.2**.

Where the facts as finally established show that the circumstances set out in Article 2.1 are met, a decision to impose definitive bilateral safeguard measures shall be taken in accordance with the procedure referred to in **Article 11(1)**.

The Commission shall make public, with due regard to the protection of confidential information within the meaning of Article 9, a report with a summary of the material facts and considerations relevant to the determination.

Amendment 47

Proposal for a regulation Article 8 – paragraph 1 a (new)

1a. A safeguard measure shall remain in force, pending the outcome of the review, during any extension period.

Amendment 48

Proposal for a regulation Article 9 – paragraph 1 a (new)

1a. The Commission shall ensure that all data and statistics which are required for the investigation are available, comprehensible, transparent and verifiable. The Commission shall undertake, as soon as the necessary technical framework is in place, to set up a password-protected online portal, which it shall manage and through which all relevant, non-confidential information within the meaning of this Article shall be disseminated. Member States, registered Union industry, the Domestic Advisory Group, and the European Parliament must be granted access to this Online-Platform on request. The information includes statistical information relevant for determining if evidence fulfils the requirements as stated in Article 2(1), as well as all further information relevant in connection with an investigation.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Information received through this Online-Platform shall be used only for the purpose for which it was requested. Any information of a confidential nature or any information provided on a confidential basis received pursuant to this Regulation shall not be disclosed without specific permission from the supplier of such information.

Amendment 49

Proposal for a regulation Article 10

The Commission shall be assisted by the Committee provided for in Article 4(1) of Council Regulation (EC) No 260/2009 on the common rules for imports. **Article 4 of Council Regulation (EC) No 260/2009 shall apply mutatis mutandis.**

The Commission shall be assisted by the Committee provided for in Article 4(1) of Council Regulation (EC) No 260/2009 on the common rules for imports.

Amendment 50

Proposal for a regulation Article 10 a (new)

Article 10a

Report

1. The Commission shall make public an annual report on the application and implementation of the Agreement. The report shall include information about the activities of the various bodies responsible for monitoring the implementation of the Agreement and fulfilment of the obligations arising therefrom, including obligations concerning barriers to trade.

2. Special sections of the report shall deal with the fulfilment of obligations under Chapter 13 of the Agreement and with the activities of the Domestic Advisory Group and the Civil Society Forum.

3. The report shall also present a summary of the statistics and the evolution of trade with Korea. Specific mention shall be made of the results of the monitoring of duty drawback.

4. The European Parliament or the Council may, within one month, invite the Commission to an ad hoc meeting of the competent committee of Parliament or of the Council to present and explain any issues related to implementation of the Agreement.

Amendment 51

Proposal for a regulation Article 11 – paragraph 2

2. When reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply. deleted

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 52**Proposal for a regulation
Article 11 – paragraph 3**

3. *The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at one month.* **deleted**

Amendment 53**Proposal for a regulation
Article 11 a (new)****Article 11a****Reporting**

1. *The Commission shall make public an annual report on the application and functioning of the safeguard clause. The report shall include a summary of the requests to initiate proceedings, investigations and its results, termination of investigations and proceedings without measures, imposition of provisional safeguard measures or definitive measures, and the justification for each decision on these issues accompanied by a summary of the relevant information and facts.*

2. *The report shall also present a summary of the statistics and the evolution of trade with Korea. Specific mention shall be made of the results of the monitoring of the duty drawback.*

3. *The European Parliament or the Council may convene the Commission within one month for an ad hoc meeting of the competent committee of the European Parliament or of the Council to present and explain any issue related to the application of the safeguard clause, the duty drawback, or the Agreement in general.*

Amendment 54**Proposal for a regulation
Article 11 b (new)****Article 11b****Procedure for the application of Article 14 of the Rules of Origin Protocol**

1. *For the purpose of applying Article 14 (Drawback of, or exemption from, customs duties) of the Rules of Origin Protocol, the Commission shall monitor closely the evolution of relevant import and export statistics both in value and as appropriate in quantities and regularly share these data with, and report its findings, to the European Parliament, the Council and the Union industries concerned. Monitoring shall start from the time of provisional application and data shall be shared on a bimonthly basis.*

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In addition to the tariff lines included in Article 14.1 of the Rules of Origin Protocol, the Commission shall draw up, in cooperation with the Union industry, a list of key tariff lines that are not specific for automotive, but important for car manufacturing and other related sectors. A specific monitoring shall be carried out as laid down in Article 14.1 of the Rules of Origin Protocol.

2. Upon request of a Member State or on its own initiative the Commission shall immediately examine whether the conditions for invoking Article 14 of the Rules of Origin Protocol are met and report its findings within 10 working days of a request. Following consultations in the framework of the special committee to which Article 207(3), subparagraph 3 of the Treaty on the Functioning of the European Union refers to, the Commission shall request consultations with Korea whenever the conditions of Article 14 of the Rules of Origin Protocol are met. The Commission shall consider that the conditions are met, *inter alia*, when the thresholds mentioned in paragraph 3 are reached.

3. A difference of 10 percentage points shall be considered as 'significant' for the purposes of application of paragraph 2.1(a) of Article 14 of the Rules of Origin Protocol when assessing the increased rate of imports of parts or components to/into Korea as compared with the increased rate of exports from Korea to the EU of finished products. An increase of 10 % shall be considered as 'significant' for the purposes of application of paragraph 2.1(b) of Article 14 of the Rules of Origin Protocol when assessing the increase of exports from Korea to the EU of finished products in absolute terms, or relative to domestic production. Increases below these thresholds may also be considered as 'significant' on a case-by-case basis.

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Protection of animals used for scientific purposes *II**

P7_TA(2010)0308

European Parliament legislative resolution of 8 September 2010 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the protection of animals used for scientific purposes (06106/1/2010 – C7-0147/2010 – 2008/0211(COD))

(2011/C 308 E/27)

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (06106/1/2010 – C7-0147/2010),
- having regard to the Commission proposal to Parliament and the Council (COM(2008)0543),
- having regard to Article 251(2) and Article 95(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0391/2008),
- 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(7) and Article 114(1) of the Treaty on the Functioning of the European Union,
- having regard to its position at first reading ⁽¹⁾,
- having regard to the opinion of the European Economic and Social Committee of 13 May 2009 ⁽²⁾,
- having regard to Rules 70 and 72 of its Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on Agriculture and Rural Development (A7-0230/2010),

1. Approves the Council position;
2. Notes that the act is adopted in accordance with the Council position;
3. Instructs its President to sign the act with the President of the Council pursuant to Article 297(1) of the Treaty on the Functioning of the European Union;
4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 212 E, 5.8.2010, p. 170.

⁽²⁾ OJ C 277, 17.11.2009, p. 51.

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Guidelines for the employment policies of the Member States *

P7_TA(2010)0309

European Parliament legislative resolution of 8 September 2010 on the proposal for a Council decision on guidelines for the employment policies of the Member States: Part II of the Europe 2020 Integrated Guidelines (COM(2010)0193 – C7-0111/2010 – 2010/0115(NLE))

(2011/C 308 E/28)

(Consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2010)0193),
- having regard to Article 148(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0111/2010),
- having regard to Rule 55 of its Rules of Procedure,
- having regard to the report of the Committee on Employment and Social Affairs and the opinions of the Committee on Economic and Monetary Affairs and the Committee on Women's Rights and Gender Equality (A7-0235/2010),

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 (TFEU);
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. Reiterates its long-standing call on the Commission and the Council to ensure that Parliament is given the necessary time, and in any event no less than five months, to fulfil its consultative role defined in Article 148(2) TFEU in respect of the revision of the guidelines for the employment policies of the Member States;
6. Instructs its President to forward its position to the Council and the Commission.

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 1 **Proposal for a decision** **Recital 1 a (new)**

(1a) Article 157 (3) of the Treaty on the Functioning of the European Union stipulates that the European Parliament and the Council shall adopt measures to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, including the principle of equal pay for equal work or work of equal value.

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TEXT PROPOSED BY THE COMMISSION

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Amendment 2**Proposal for a decision****Recital 2**

(2) The Treaty on European Union stipulates in Article 3.3 that the Union shall combat social exclusion and discrimination, and shall promote social justice and protection and provides for the Union's initiatives to ensure coordination of Member States' social policies. Article 9 of the Treaty on the Functioning of the European Union provides that in defining and implementing its policies and activities, the Union shall take into account requirements linked to the guarantee of adequate social protection **and** the fight against social exclusion.

(2) The Treaty on European Union stipulates in Article 3 (3) that the Union shall ***seek to achieve full employment and social progress***, combat social exclusion and discrimination, and shall promote social justice and protection and provides for the Union's initiatives to ensure coordination of Member States' social policies. Article 9 of the Treaty on the Functioning of the European Union provides that in defining and implementing its policies and activities, the Union shall take into account requirements linked to the ***promotion of a high level of employment, the*** guarantee of adequate social protection, the fight against social exclusion ***and a high level of education and training***.

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

(2a) Article 8 of the Treaty on the Functioning of the European Union stipulates that in all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women. Article 10 thereof adds that, in defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Article 2 of the Treaty on European Union states that European society is characterised by pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men.

Amendment 4**Proposal for a decision****Recital 4**

(4) The Lisbon Strategy, launched in 2000, was based on an acknowledgement of the EU's need to increase its productivity and competitiveness, while enhancing social cohesion, in the face of global competition, technological change and an ageing population. The Lisbon Strategy was re-launched in 2005, after a mid-term review which led to greater focus on growth, more and better jobs.

(4) The Lisbon Strategy, launched in 2000, was based on an acknowledgement of the EU's need to increase its ***knowledge-based*** productivity and competitiveness ***and recreate the conditions for full employment***, while enhancing social ***and regional*** cohesion, in the face of global competition, technological change and an ageing population. The Lisbon Strategy was re-launched in 2005, after a mid-term review which led to greater focus on growth ***and*** more and better jobs.

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Amendment 5
Proposal for a decision
Recital 5

(5) The Lisbon strategy for growth and jobs ***helped forge consensus around*** the broad direction of the EU's economic and employment policies. Under the strategy, both broad economic policy guidelines and employment guidelines were adopted by the Council in 2005 and revised in 2008. The 24 guidelines laid the foundations for the national reform programmes, outlining the key macro-economic, micro-economic and labour market reform priorities for the EU as a whole. However, experience shows that the guidelines did not set ***clear enough priorities*** and that ***links between them could have been stronger. This limited their impact on national policy-making.***

(5) The Lisbon strategy for growth and jobs ***should have helped determine*** the broad direction of the EU's economic and employment policies. Under the strategy, both broad economic policy guidelines and employment guidelines were adopted by the Council in 2005 and revised in 2008. The 24 guidelines laid the foundations for the national reform programmes, outlining the key macro-economic, micro-economic and labour market reform priorities for the EU as a whole. However, experience shows that the guidelines did not set ***sufficiently binding objectives for social, political and cultural participation by all residents of the European Union and for a sustainable economy*** and that ***the priorities should have been linked more strongly one to the other. Ultimately, the strategy's basic goals could not be achieved, because Member States also failed to assume ownership of those guidelines.***

Amendment 6
Proposal for a decision
Recital 5 a (new)

(5a) Apart from new EU legislative initiatives with a social focus, the European Union needs to improve significantly its existing policies and their implementation.

Amendment 7
Proposal for a decision
Recital 6

(6) The financial and economic crisis that started in 2008 resulted in a significant loss in jobs and potential output and has led to a dramatic deterioration in public finances. The European Economic Recovery Plan has nevertheless helped Member States to deal with the crisis, partly through a coordinated fiscal stimulus, ***with the euro providing an anchor for macroeconomic stability.*** The crisis therefore ***showed*** that coordination of Union's policies can deliver significant results if it is strengthened and rendered effective. The crisis also ***underscored*** the close interdependence of the Member States' economies and labour markets.

(6) The financial and economic crisis that started in 2008 resulted in a significant loss in jobs and potential output and has led to a dramatic deterioration in public finances. The European Economic Recovery Plan⁷ has nevertheless helped Member States to deal with the crisis, partly through a coordinated fiscal stimulus. The crisis, ***which is still developing, highlights the lack of effective means of reacting early to its signs and therefore shows*** that coordination of Union's policies can deliver significant results if it is strengthened and rendered effective, ***while respecting the principle of subsidiarity.*** The crisis also ***underscores*** the close interdependence of the economies and labour markets of Member States, ***as a consequence of which exploiting fully the potential of the internal market is also one of the most essential ways of increasing Europe's competitiveness, and also makes it necessary to carry out a major review of mechanisms for which the achievement of employment and social targets will continue to be the underwritten objectives.***

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Amendment 8**Proposal for a decision****Recital 7**

(7) The Commission proposed to set up a new strategy for the next decade, the Europe 2020 Strategy, to enable the EU to emerge stronger from the crisis, and to turn its economy towards **smart**, sustainable and inclusive growth. **Five headline** targets, listed under the relevant guidelines, constitute shared objectives guiding the action of the Member States and of the Union. Member States should **make every effort** to meet the national targets and **to** remove the **bottlenecks that constrain** growth.

(7) The Commission proposed to set up a new strategy for the next decade, the Europe 2020 strategy, to enable the EU to emerge stronger from the crisis **and also to respond more effectively to future upheavals and crises**, and to turn its economy towards **viable, ecologically and economically** sustainable and inclusive growth **accompanied by high levels of employment, productivity and social cohesion**. **Headline** targets, listed under the relevant guidelines, constitute shared objectives guiding the action of the Member States and of the Union. Member States should **undertake** to meet the national targets. **They should focus on increasing employment** and remove the **obstacles to growth arising from legislation, bureaucracy and national misallocation of resources**.

Amendment 9**Proposal for a decision****Recital 8**

(8) As part of comprehensive 'exit strategies' for the economic crisis, Member States **should** carry out **ambitious** reforms to **ensure** macroeconomic stability and the sustainability of public finance, improve competitiveness, reduce macroeconomic imbalances and enhance labour market performance. The withdrawal of the fiscal stimulus should be implemented and coordinated within the framework of the Stability and Growth Pact.

(8) As part of comprehensive 'exit strategies' for the economic crisis **and of comprehensive strategies for creating the conditions for growth**, Member States **must** carry out **and maintain structural** reforms **geared to ensuring** macroeconomic stability, **the promotion of more and better jobs** and the sustainability of public finance, improve competitiveness **and productivity**, reduce macroeconomic imbalances, **strengthen social cohesion, fight poverty** and enhance labour market performance. The **gradual** withdrawal of the fiscal stimulus, **to be started as soon as a sustainable revival of the economy is secure**, should be implemented and coordinated **inter alia** within the framework of the Stability and Growth Pact. **However, in order to achieve in practice the objectives of sustainable economic and social cohesion, the major macroeconomic imbalances and disparities between Member States should be overcome**.

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

(8a) **Europe 2020 should be a strategy to put people and the protection of the environment first and to come out of the economic crisis, to prevent a further economic and social collapse, to be closely coordinated with structural and cohesion policy and to boost our economies in the medium and long term and to tackle the challenges for the labour market arising from an ageing society.**

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Amendment 11
Proposal for a decision
Recital 9

(9) Within the Europe 2020 strategy, Member States should implement reforms aimed at 'smart growth', i.e. growth driven by knowledge and innovation. Reforms should aim at improving the quality of education, ensuring access for all, and strengthening research and business performance in order to promote innovation and knowledge transfer throughout the **EU**. They should encourage entrepreneurship and help to turn creative ideas into innovative products, services and processes that can create growth, quality jobs, territorial, economic and social cohesion, and address more efficiently European and global societal challenges. Making the most of information and communication technologies is essential in this context.

(9) Within the Europe 2020 strategy, Member States should implement reforms aimed at 'smart growth', i.e. growth driven by knowledge and innovation. Reforms should aim at improving the quality of education, ensuring access for all, **reducing the number of people who fail to complete their schooling or training, affirming the right of every individual to lifelong learning so as to enable skills to be developed, recognised and certified,** and strengthening research and business performance in order to promote innovation and knowledge transfer throughout the **European Union, so as to help eliminate regional imbalances and prevent the 'brain drain'**. They should encourage entrepreneurship, **small and medium-sized enterprises (SMEs) development** and help to turn creative ideas into innovative products, **innovative and socially valuable** services and processes that can create growth, quality **and sustainable** jobs, territorial, economic and social cohesion, and address more efficiently European and global societal challenges. Making the most of information and communication technologies is essential in this context.

Amendment 12
Proposal for a decision
Recital 9 a (new)

(9a) **In order to boost economic growth, Member States should fight measures that slow it down e.g. the bureaucratic burden, excessive regulation and standards, high taxes and protectionist tendencies.**

Amendment 13
Proposal for a decision
Recital 9 b (new)

(9b) **Achieving a deep and efficient single market is a key element for ensuring the EU's overall macroeconomic performance; it is particularly crucial for the solidity of the economic and monetary union to deliver economic benefits, restore growth and create new job opportunities.**

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Amendment 60**Proposal for a decision****Recital 9 c (new)**

(9c) When designing and implementing their national reform programmes taking account of the guidelines in the Annex, Member States should ensure effective governance of employment and social policies. Stakeholders, including those at regional and local level and including those affected by the different aspects of EU-2020, parliamentary bodies and social partners should be closely involved throughout the design and implementation, monitoring and evaluation of those programmes, including in the definition of targets and indicators. Member States should closely monitor the employment and social impact of reforms implemented under respective national reform programmes.

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

(10) Member States should also, through their reform programmes, aim at 'sustainable growth'. Sustainable growth means building a resource-efficient, sustainable and competitive economy, a fair distribution of the cost and benefits and exploiting Europe's leadership in the race to develop new processes and technologies, including green technologies. Member States should implement the necessary reforms to reduce greenhouse gases emissions and use resources efficiently. They should also improve the business environment, stimulate creation of **green jobs** **and** modernise their industrial base.

(10) Member States should also, through their reform programmes **and based on decent jobs**, aim at sustainable growth. Sustainable growth means building a resource-efficient, sustainable and competitive economy, a fair distribution of the cost and benefits, **with sufficient funding made available to deal with the restructuring**, and exploiting Europe's leadership in the race to develop new processes and technologies, including **particularly** green technologies **creating more jobs. These technologies should, as far as possible, be made accessible to all companies, including micro-enterprises and SMEs.** Member States should implement the necessary reforms to reduce greenhouse gases emissions and use resources efficiently. They should also improve the business environment, stimulate creation of **sustainable jobs in the old and new economy, including the provision of training and skills needed in these jobs** and modernise their industrial base, **particularly in the field of conversion.**

Amendment 15**Proposal for a decision****Recital 11**

(11) Member States' reform programmes should also aim at 'inclusive growth'. Inclusive growth means building a cohesive society in which people are empowered to anticipate and manage change, thus to actively participate in society and economy. Member States' reforms should therefore ensure access and opportunities for all throughout the lifecycle, thus reducing poverty and social exclusion, through removing barriers to labour market participation especially for women, older workers, young people, **disabled and** legal migrants. **They** should also make sure that the benefits of economic growth reach all citizens and all regions. Ensuring effective functioning of the labour markets through investing in

(11) Member States' reform programmes should also aim at 'inclusive growth'. Inclusive growth means building a cohesive society in which people are empowered to anticipate and manage change, **particularly that brought about by new technologies, automation and the computing revolution**, in order to participate **actively** in society and the economy. Member States' reforms should therefore ensure access and opportunities for all throughout the lifecycle, thus reducing poverty and social exclusion, through removing barriers to labour market participation especially for women, older workers, young people, **carers, people with disabilities, unskilled workers, minorities, in particular the Roma**, legal migrants **and those unable to**

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successful transitions, **appropriate** skills **development**, rising job quality and fighting segmentation, structural unemployment and inactivity while ensuring adequate, sustainable social protection and active inclusion to reduce poverty should therefore be at the heart of Member States' reform programmes.

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participate in the labour market. **By putting in place appropriate instruments, Member States** should also make sure that the benefits of economic growth reach all citizens and all regions. Ensuring effective functioning of the labour markets through investing in successful transitions, **training systems and the development of skills matching the labour market needs**, increasing job quality and **gender equality**, fighting **against** segmentation, **by providing security for workers under all forms of employment, discrimination**, structural unemployment - **in particular youth unemployment** and inactivity, while ensuring adequate, sustainable social protection and active inclusion to reduce poverty, should therefore be at the heart of Member States' reform programmes.

Amendment 16

Proposal for a decision

Recital 11 a (new)

(11a) *In the context of the 'inclusive growth' objective, Member States should, at the initiative of the Commission, set an appropriate legislative framework for the new forms of work. Such a framework should pay attention to ensuring flexible forms of employment, while avoiding labour market segmentation and guaranteeing comprehensive protection of individual and collective labour rights, including the compatibility of work and private life, as well as adequate social security for workers.*

Amendment 61

Proposal for a decision

Recital 11 b (new)

(11b) *Member States' reform programmes should aim at fostering employment-enhancing growth based on decent work as promoted by the ILO and 'good work', as guiding principles, which should govern both job creation and labour market integration. Within that framework, equal treatment and equal pay for equal work at the same workplace as laid down in Articles 18 and 157 TFEU should be safeguarded and strengthened. Particular attention should also be paid to reducing poverty among the increasing number of working poor, and to combating child poverty.*

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Amendment 17**Proposal for a decision****Recital 12**

(12) The EU's and Member States' structural reforms can effectively contribute to growth and jobs if they enhance the EU's competitiveness in the global economy, open up new opportunities for Europe's exporters and provide competitive access to vital imports. Reforms should therefore take into account their external competitiveness implications to foster **European** growth and participation in open and fair markets worldwide.

(12) The EU's and Member States' structural reforms can effectively contribute to **qualitative** growth and **sustainable and quality** jobs if they **respond appropriately to the continuing economic and financial crisis and thus** enhance the EU's competitiveness in the global economy, open up new opportunities for Europe's exporters and provide competitive access to vital imports. Reforms should therefore take into account their external competitiveness implications, to foster growth **in the European Union** and participation in open and fair markets worldwide, **with the EU seeking strong global supervision of players who have a significant influence on employment, labour mobility and social financial products such as pensions.**

Amendment 18**Proposal for a decision****Recital 13**

(13) The Europe 2020 strategy has to be underpinned by an integrated set of policies, which Member States should implement **fully** and **at the same pace**, in order to achieve the positive spill-over effects of coordinated structural reforms.

(13) The Europe 2020 strategy has to be underpinned by an integrated set of policies, which Member States should implement **effectively, with due regard for their own domestic situations and their particular difficulties**, in order to achieve the positive spill-over effects of coordinated structural reforms. **Coherence between actions taken by Member States in the economic, employment and social areas should be ensured.**

Amendment 19**Proposal for a decision****Recital 13 a (new)**

(13a) **Creating the conditions for women and girls to enter into sectors where women are heavily under-represented and to combat stereotypes that still dominate these professions is key in ensuring both gender equality and labour market supply. All policies and measures in the framework of the Europe 2020 strategy should therefore strongly promote equal opportunities and gender equality and should be gender mainstreamed. This includes initiatives aimed at enhancing women's rights and at fighting discrimination against women. Social protection systems should be reviewed with a view to abolishing elements that generate gender inequalities. Working conditions should be enhanced in sectors where women are over-represented. The issue of involuntary part-time employment should be addressed. Gender equality in training and education should be strengthened. By 2020, the gender pay gap should be reduced to 0-5 %. An increased provision of accessible, affordable, flexible and high-quality care services for all, in particular access to child care facilities, is an important way to facilitate and promote the process towards gender equality.**

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Amendment 20**Proposal for a decision****Recital 13 b (new)**

(13b) Member States should take into account the Europe 2020 strategy, and, in particular, its employment and social aspects, when programming and implementing EU funding, including that from the European Social Fund, the European Regional Development Fund and the Cohesion Fund. The importance is underlined of the need for greater use of the synergies and complementarities of the various financial instruments available in order to meet the complex targets of the EU 2020 strategy for smart, inclusive and green growth and to support more effectively the most disadvantaged micro-regions and the most vulnerable groups facing complex multi-dimensional disadvantages. The use of the EU funding has to reduce the number of bureaucratic hurdles and facilitate longer-term measures.

Amendment 62**Proposal for a decision****Recital 13 c (new)**

(13c) Building on the importance of the cohesion policy in supporting employment and social inclusion, supporting regions in overcoming their socio-economic difficulties and reducing disparities, as well as in accommodating regional specificities, Member States should work together in order to arrange, complement, coordinate and adjust their national targets internally and between each other, so that imbalances in economic development between regions are reduced.

Amendment 21**Proposal for a decision****Recital 14**

(14) While these guidelines are addressed to Member States, the Europe 2020 strategy should be implemented in partnership with all national, regional and local authorities, closely associating parliaments, as well as social partners and representatives of civil society, who shall contribute to the elaboration of national reform programmes, to their implementation and to the overall communication on the strategy.

(14) While these guidelines are addressed to Member States, the Europe 2020 strategy should be implemented in partnership with all national, regional and local authorities, closely associating parliaments, as well as social partners and representatives of civil society, who shall contribute to the elaboration of national reform programmes, to their implementation and to the overall communication on the strategy, ***as social policies have to respond to local circumstances and preferences.***

Amendment 22**Proposal for a decision****Recital 14 a (new)**

(14a) In order to ensure that the employment policy guidelines are implemented in Member States, the open method of coordination should be improved, as its impact in Member States is too small.

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Amendment 23**Proposal for a decision
Recital 15**

(15) The Europe 2020 strategy is underpinned by a **smaller** set of guidelines, replacing the previous set of 24 and addressing employment and broad economic policy issues in a coherent manner. The guidelines for the employment policies of the Member States, annexed to this Decision, are intrinsically linked with the guidelines for the economic policies of the Member States and of the Union, annexed to Council Recommendation [...] of [...]. Together, they form the 'Europe 2020 integrated guidelines'.

(15) The Europe 2020 strategy is underpinned by a set of guidelines, replacing the previous set of 24 and addressing employment, **consolidation of social cohesion**, and broad economic policy issues in a coherent manner. The guidelines for the employment policies of the Member States, annexed to this Decision, are intrinsically linked with the guidelines for the economic policies of the Member States and of the Union, annexed to Council Recommendation [...] of [...]. Together, they form the 'Europe 2020 integrated guidelines'.

Amendment 24**Proposal for a decision
Recital 16**

(16) These new integrated guidelines reflect the conclusions of the European Council. They give precise guidance to the Member States on defining their national reform programmes and implementing reforms, reflecting interdependence and in line with the Stability and Growth Pact. These guidelines will form the basis for any country-specific recommendations that the Council may address to the Member States. They will also form the basis for the establishment of the Joint Employment Report sent annually by the Council and Commission to the European Council.

(16) These new integrated guidelines reflect the conclusions of the European Council. They give precise guidance to *Member States* on defining their national reform programmes and implementing reforms, reflecting interdependence and in line with the Stability and Growth Pact. These guidelines will form the basis for any country-specific recommendations that the Council may address to Member States, **taking account of the different points of departure of Member States**. They will also form the basis for the establishment of the Joint Employment Report sent annually by the Council and Commission to the European Council.

Amendment 63**Proposal for a decision
Recital 16 a (new)**

(16a) The headline targets listed under the relevant guidelines should guide the Member States in setting their own national targets and sub-targets, paying particular attention to increasing employment and reducing unemployment of most vulnerable groups, including young people, increasing the education levels, reducing school drop-out rates and lifting people out of poverty. Progress towards achieving the targets and sub-targets should be monitored closely and evaluated against the Europe 2020 objectives, and, if appropriate, revised or additional targets and sub-targets should be established when revising the Employment Guidelines.

Amendment 25**Proposal for a decision
Recital 17**

(17) ***Even though they must be drawn up each year***, these guidelines should remain largely stable until **2014** to ensure **a focus on implementation**,

(17) These guidelines should remain largely stable until **2020** to ensure **that the achievement of the objectives set out therein can be properly reviewed. An evaluation of the objectives achieved should take place every three years.**

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Amendment 26**Proposal for a decision****Recital 17 a (new)**

(17a) *In the meantime the measures taken and their results should be analysed academically and reviewed critically.*

Amendment 27**Proposal for a decision****Article 2**

The guidelines in the Annex shall be ***taken into account*** in the employment policies of the Member States, which ***shall be reported upon in national reform programmes. Member States should design reform programmes*** consistent with the objectives set out in ***the 'Europe 2020 integrated*** guidelines'.

The guidelines in the Annex ***and the national reform programmes*** shall be ***implemented*** in the employment policies of Member States. ***The employment and social impact of national reform programmes, which must be consistent with the objectives set out in those guidelines, must be carefully monitored.***

Amendment 28**Proposal for a decision****Article 2 a (new)****Article 2a**

When designing and implementing their national reform programmes, taking account of the guidelines in the Annex, Member States shall ensure effective governance of employment and social policies. Stakeholders, including those at regional and local level along with those affected by the different aspects of Europe 2020 strategy, parliamentary bodies and social partners shall be closely involved throughout the design and implementation, monitoring and evaluation of those programmes, including in the definition of targets and indicators.

The EU headline targets, as set out in the Annex, shall be followed up with appropriate sub-targets and indicators, including outcome and result indicators, as well as national targets, indicators and scoreboards. Member States shall take those targets and indicators into account, along with the guidelines and any country-specific recommendations addressed to them by the Council.

Member States shall monitor closely the employment and social impact of reforms implemented under respective national reform programmes.

When reporting on the application of the guidelines in the Annex, Member States shall follow the structure to be agreed at Union level and shall include the same elements in order to ensure clarity, transparency and comparability among Member States.

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Amendment 29**Proposal for a decision
Annex – Guideline 7 - title**

Guideline 7: **Increasing labour market participation** and reducing **structural** unemployment

Guideline 7: **Creating more and better jobs**, reducing unemployment **and increasing labour market participation to 75 % of the active population**

Amendment 30**Proposal for a decision
Annex – Guideline 7 – paragraph -1 (new)**

The Member States will set their national targets for increasing the employment rate for women and men to 75 % by 2020, with the aim of reaching full employment, in particular through greater labour market participation of young people, older workers, the low-skilled and people with disabilities, minorities, in particular the Roma, and the better integration of legal migrants. Furthermore, Member States will set their national targets so that the share of 15 to 24 year-old women and men in education, training or employment increases to at least 90 %.

Member States will increase the employment rate by 10 %, focusing on particular groups, by 2014:

- young people aged between 15 and 25 years;*
- older workers aged between 50 and 64 years;*
- women;*
- unskilled workers;*
- people with disabilities;*
- people with migrant backgrounds;*

The rate of people who are long-term unemployed should be reduced by 10 %.

Amendment 31**Proposal for a decision
Annex – Guideline 7 – paragraph 1**

Member States should **integrate** the **flexicurity principles endorsed by the European Council into their labour market policies and apply them, making full use of European Social Fund support with a view to increasing labour market participation and combating segmentation and inactivity, gender inequality, whilst reducing structural unemployment. Measures to enhance flexibility and security should be both balanced and mutually reinforcing.** Member States should therefore introduce a combination of **flexible and reliable employment contracts, active labour market policies, effective lifelong learning, policies to promote labour mobility, and**

To reach this goal, Member States should promote growth, thereby creating new decent jobs, increase the innovative potential of the economy, in particular of SMEs, and free industry from administrative and non-tariff barriers. To that end, Member States should also develop regulatory and support instruments that take the diversity of business and workers' rights into consideration so that all forms of companies have equivalent conditions as regards competition and promotion. In order to improve women's and young people's access to the labour market, by taking into account the demographic challenges, conditions should be created for adequate child care

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adequate *social security systems to secure professional transitions accompanied by clear rights and responsibilities* for the unemployed to *actively seek work*.

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facilities, so that every child of pre-school age can be provided with child care outside the family, and *every young person is provided with a real job or a place in training or further education within four months of finishing school, in close cooperation with the social partners. The long-term unemployed should receive offers for employability measures for which quantitative goals should be set up to strengthen preventive labour market policies. Therefore, at least 25 % of all long-term unemployed should participate in an active labour market measure in the form of advanced training, education and/or an occupational redeployment.*

Amendment 32

Proposal for a decision
Annex – Guideline 7 – paragraph 2

Member States should *step up social dialogue* and *tackle* labour market *segmentation* with *measures addressing temporary and precarious employment, underemployment and undeclared work. Professional mobility* should be *rewarded. The quality of jobs and employment conditions* should be *addressed by fighting low-wages and by ensuring adequate social security also for those on fixed contracts and the self-employed. Employment services* should be *strengthened and open to all, including young people and those threatened by unemployment with personalised services targeting those furthest away from the labour market.*

The Member States *in cooperation with the social partners* should *increase the employment rate through activation measures, in particular for young people, low-skilled and people requiring particular protection and/or support, through advisory services and education and professional training adapted to the labour market's needs. Member States should safeguard and strengthen equal treatment and equal pay for equal work in the same workplace as laid down in Articles 18 and 157 of the Treaty on the Functioning of the European Union. The job quality should also be addressed by reducing the number of working poor. Furthermore, Member States should increase the employability of legal migrants with appropriate programmes. Continued efforts and innovative programmes are also required to reintegrate people with disabilities into the labour market, including through subsidised jobs. Member States should remove the barriers which make it more difficult for people to enter the labour market for the first time, support the creation of jobs, foster social innovation and increase the quality and effectiveness of job placement services, including public employment services. Job centres must provide training and mentoring programmes particularly in the field of information and communication technologies, as well as access to high-speed internet to job seekers, especially older people, legal migrants, ethnic minorities and people with disabilities, in order to optimally facilitate the job search. Individual and collective forms of self-employment through social economy-type enterprises should be supported in this context. Special measures should be taken against the dominance of women in poorly paid work and the employment of women in management posts more effectively promoted in order to prevent gender-specific segmentation of the labour market. In particular, working time rules should be adjusted so as to allow a work process which conforms to the requirements of the compatibility of family life and work, and allows a more flexible exit from working life into retirement. Member States should take measures to encourage the involvement of fathers in caring for children, and review their tax systems to make them employment-friendly. External and internal flexicurity*

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strategies to increase flexibility, to be able to react more efficiently to production cycles, should be better applied through active labour market policies and adequate social security systems available to workers under all forms of employment, so that changing jobs does not lead to disproportionate financial costs. It must be underlined that flexibility without social security is not a sustainable way of increasing employment. These should be accompanied by a clear commitment to actively support job seeking. New forms of work organisation, such as atypical temporary work, part-time work and teleworking, or mobility of workers must not lead to a reduction in individual and collective labour rights and social protection for the people concerned. It should be ensured that new forms of employment are not created at the expense of regular (full-time, permanent) contracts. Efforts should also be made to combat undeclared employment by means of effective measures to monitor and implement labour rights. Decent work as promoted by the ILO and 'good work', as guiding principles, must govern both job creation and labour market integration. In enhancing the functioning and performance of the labour market, Member States should foster social partnership and actively engage social partners in national policy elaboration and should fully respect their right, in accordance with national laws and practices, to conclude and enforce collective agreements.

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Amendment 33**Proposal for a decision****Annex – Guideline 7 – paragraph 2 a (new)**

It is of the utmost importance to create high-quality jobs which are also needed in the longer term and which possess high added value. It is therefore vital that education and employment policies should support changes in economic structure. As a rule, jobs lost during the economic crisis will not be recreated in the same numbers in the same sectors as before. Therefore the education system must respond flexibly to the labour market requirements which accompany a new economic structure. Employment policy must ensure that workers can make as smooth as possible a transition both between sectors of the economy and between different states of the labour market. It is therefore more necessary than in the past to take long-term objectives as a starting point and focus more on coordinated measures in enterprise, education and employment policies.

Amendment 34**Proposal for a decision****Annex – Guideline 7 – paragraph 3**

In order to increase competitiveness and raise participation levels, particularly for the low-skilled, and in line with economic policy guideline 2, Member States should review tax and benefit systems and the capacity of public services to provide the necessary support. Member States should increase labour force participation through policies to promote active ageing, gender equality and equal pay and labour market integration of young people, disabled, legal migrants and other vulnerable groups. Work-life balance policies with the provision of affordable care and innovation in work organisation should be geared to raising employment rates, particularly among youth, older workers and women, in particular to retain highly-skilled women in scientific and technical fields. Member States should also remove barriers to labour market entry for newcomers, support self-employment and job creation in areas including green employment and care and promote social innovation.

In this context, the resources of the European Social Fund should be fully used to increase employability and job quality, with measures to develop personal skills and to fulfil quality requirements in seminal jobs. In order to promote professional mobility, it is necessary for Member States to increase people's openness to mobility within the European Union by providing incentives. To achieve this, the rules on obtaining subsidies from the European Social Fund should be examined and where possible simplified. National budgets and the general budget of the EU including the European Social Fund and the European Globalisation Adjustment Fund should be coordinated and geared to preparing the workforce for a sustainable economy. With this aim, Member States should take steps to publicise information on the purpose of these funds and the conditions of use.

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Amendment 35**Proposal for a decision****Annex – Guideline 7 – paragraph 3 a (new)**

Member States shall promote the EU micro-finance facility as an example of how to combine economic and social measures in order to boost economic and employment growth.

National and EU micro-finance facilities shall be accompanied by specific training and mentoring programmes and social benefits schemes ensuring minimum income in the first year after opening of the business in order to make entrepreneurship a real option.

Amendment 36**Proposal for a decision****Annex – Guideline 7 – paragraph 3 b (new)**

Member States should also promote and invest in social services of general interest including employment, health and housing services which have to be funded sufficiently.

Amendment 37**Proposal for a decision****Annex – Guideline 7 – paragraph 4**

The EU headline target, on the basis of which Member States will set their national targets, is of aiming to bring by 2020 to 75 % the employment rate for women and men aged 20-64 including through the greater participation of youth, older workers and low skilled workers and the better integration of legal migrants.

deleted

Amendment 38**Proposal for a decision****Annex – Guideline 8 – title**

Guideline 8: *Developing a skilled workforce responding to labour market needs, promoting* job quality and lifelong learning

Guideline 8: *Promoting* job quality and lifelong learning, ***strengthening decent work and developing a skilled workforce***

Amendment 39**Proposal for a decision****Annex – Guideline 8 – paragraph -1 (new)**

Member States will set as their national targets the reduction of the school drop-out rate below 10 % by 2020, whilst increasing the share of the population aged 30-34 having completed tertiary or equivalent education to at least 40 %.

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Amendment 40**Proposal for a decision****Annex – Guideline 8 – paragraph 1**

Member States should promote productivity and employability through an adequate supply of knowledge and skills to match current and future demand in the labour market. Quality initial education and attractive vocational training must be complemented with effective incentives for lifelong learning, second-chance opportunities, ensuring every adult the chance to move one step up in their qualification, and by targeted migration and integration policies. Member States should develop systems for recognising acquired competencies, remove barriers to occupational and geographical mobility of workers, promote the acquisition of transversal competences and creativity, and focus their efforts particularly on supporting those with low skills and increasing the employability of older workers, while at the same time enhance the training, skills and experience of highly skilled workers, including researchers.

The provision of high-quality initial education and attractive vocational training helping workers to adjust their skills to the labour market needs are high priorities for Member States. They must be complemented by second-chance opportunities for young people, especially those aged between 25 and 35, which include an obligatory offer of educational and vocational training and effective incentives for lifelong learning, whereby the social partners are called upon to provide the time and also to support financially vocational training. In particular, Member States should reduce the dropout rate to less than 10 % and complete migration and integration policy with facilities for language learning and social studies. Member States should also develop systems for recognising acquired skills and competences.

Amendment 41**Proposal for a decision****Annex – Guideline 8 – paragraph 2**

In cooperation with social partners and **business**, Member States should improve access to training, strengthen education and career guidance combined with systematic information on new job openings and opportunities, **promotion of** entrepreneurship and **enhanced** anticipation of **skill needs**. **Investment in human resource** development, **up-skilling** and **participation in lifelong learning schemes** should be **promoted** through joint financial contributions from **governments, individuals and employers**. **To support young people** and in **particular those not in employment**, education or training, Member States in cooperation with the social partners, should enact schemes to help recent graduates find initial employment or further education and training opportunities, including apprenticeships, and intervene rapidly when young people become unemployed. Regular monitoring of the performance of up-skilling and anticipation policies should help identify areas for improvement and increase the responsiveness of education and training systems to labour market needs. EU funds should be fully mobilised by Member States to support these objectives.

In cooperation with **the** social partners and **businesses**, Member States should improve access to training, **including vocational training**, strengthen education and career guidance combined with systematic information on, **and appropriate measures to promote**, new job openings and opportunities, entrepreneurship, **SMEs development** and **enhance the** anticipation of **quality requirements**. The development of **human resources, higher qualifications and training** should be **financed** through joint financial contributions from **employers and governments**. **Access to high-quality general and vocational training and the reintegration of school drop-outs in the education system should be possible for everyone at any time**. Member States should align investments in the education system so that the objective of increasing the level of skills among the active population is fulfilled, also taking into account learning in informal and non-formal contexts. In doing so, the reforms regarding employability in particular should be aimed at ensuring, through training or knowledge in the field of information and communication technologies (ICT), the acquisition of the core skills which every employee needs to be successful in a knowledge-based economy. Measures should be taken to ensure that the educational mobility of young people and teachers becomes the norm. Member States should improve the openness and relevance of general and vocational education systems and non-vocational training for all ages, in particular by implementing national qualification frameworks enabling flexible learning pathways and by developing partnerships between general and vocational

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education institutions and the world of work, including paid apprenticeships, in order to increase considerably the proportion of high-level academic and vocational degrees.

Amendment 42**Proposal for a decision****Annex – Guideline 8 – paragraph 2 a (new)**

Regular monitoring of the performance of up-skilling and anticipation policies should help to identify areas for improvement and to increase the responsiveness of education and training systems to labour market needs. EU funds should be fully mobilised by Member States to support these objectives.

Amendment 43**Proposal for a decision****Annex – Guideline 8 a (new)**

Guideline 8a: Strengthening social and economic cohesion policy in support of employment

Member States commit themselves to arranging, complementing, coordinating and adjusting their national targets, at national level and among themselves, in such a way that imbalances in economic development between regions will be reduced.

Member States are aware that cohesion policy represents an effective instrument which supports but is not subordinated to the guidelines, by accommodating regional specificities, supporting regions to overcome their socio-economic difficulties and reducing disparities.

An integrated approach, multi-level governance and partnership principles should be at the core of the governance and delivery of the strategy, while the regional and local levels in particular have to play a crucial role as the vehicles for reaching the countless economic and social actors living and producing in the Union, in particular the SMEs, especially those forming part of the social economy.

Therefore, cohesion policy is not just the source of stable financial allocations, but also a powerful instrument for economic development and so an employment instrument for all Union regions.

Member States should invest more in transport, energy, telecommunication and IT infrastructure and make full use of the European Structural Funds.

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The participation of potential beneficiaries in Union co-funded programmes should be encouraged by simplification of delivery systems.

To achieve this, Member States should create synergies between their cohesion policies and other existing sectoral policies, in accordance with an integrated approach, since cohesion is not a cost but gives strength, taps unused potential, reduces structural differences between countries and regions, expands growth and improves the competitiveness of Union regions in a globalised world, counterbalances the effects of the global economic crisis and generates Union social capital.

Amendment 44

Proposal for a decision

Annex – Guideline 9 – title and paragraph 1

Guideline 9: Improving the performance of education and training systems at all levels and increasing participation in tertiary education

deleted

In order to ensure access to quality education and training for all and to improve educational outcomes, Member States should invest efficiently in education and training systems notably to raise the skill level of the EU's workforce, allowing it to meet the rapidly changing needs of modern labour markets. Action should cover all sectors (from early childhood education and schools through to higher education, vocational education and training, as well as adult training) taking also into account learning in informal and non-formal contexts. Reforms should aim to ensure the acquisition of the key competencies that every individual needs for success in a knowledge-based economy, notably in terms of employability, further learning, or ICT skills. Steps should be taken to ensure learning mobility of young people and teachers becomes the norm. Member States should improve the openness and relevance of education and training systems, particularly by implementing national qualification frameworks enabling flexible learning pathways and by developing partnerships between the worlds of education/training and work. The teaching profession should be made more attractive. Higher education should become more open to non-traditional learners and participation in tertiary or equivalent education should be increased. With a view to reducing the number of young people not in employment, education, or training, Member States should take all necessary steps to prevent early school leaving.

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Amendment 45

Proposal for a decision
Annex – Guideline 9 – paragraph 2

The EU headline target, on the basis of which Member States will set their national targets, is to reduce the drop out rate to 10 %, whilst increasing the share of the population aged 30-34 having completed tertiary or equivalent education to at least 40 % in 2020.

deleted

Amendment 46

Proposal for a decision
Annex – Guideline 10 – title

Guideline 10: **Promoting** social inclusion and **combating poverty**

Guideline 10: **Combating poverty and promoting** social inclusion and **protection**

Amendment 47

Proposal for a decision
Annex – Guideline 10 – paragraph -1 (new)

Member States will set their national targets to reduce by 25 % the number of Europeans living below national poverty lines, lifting over 20 million people out of poverty, in particular by employment and education policy measures.

Amendment 48

Proposal for a decision
Annex – Guideline 10 – paragraph 1

Member States' **efforts** to reduce poverty **should be aimed at promoting** full participation in society and economy and **extending** employment opportunities, **making full use of** the European Social Fund. **Efforts should also concentrate on ensuring** equal opportunities, **including through** access to affordable, sustainable and high quality services and public services (including online services, in line with guideline 4) **and** in particular health **care**. Member States should **put in place effective anti-discrimination measures**. **Equally**, to fight social exclusion, empower people and promote labour market participation, social protection systems, **lifelong learning** and active inclusion policies **should** be enhanced to create opportunities at different stages of people's lives **and** shield them from the risk of exclusion. **Social** security and pension systems must be modernised **to ensure** that they can be fully deployed to ensure **adequate** income **support** and access to healthcare - **thus providing social cohesion** - whilst **at the same time remaining financially sustainable**. Benefit systems should **focus on ensuring** income security during transitions and **reducing** poverty, in particular among groups most at risk from social exclusion, such as one-parent families, minorities, people with disabilities, children and young people, elderly women and men, legal migrants and the homeless. Member States should also actively promote the social economy and social **innovation in support of** the most vulnerable.

Combating poverty and exclusion remains a vital challenge. In order to pursue this objective, it is necessary to create opportunities to participate in the labour market or to return to it for all social groups, irrespective of locality or level of education. It is essential to strike a balance between giving people a sufficient sense of security and preserving their motivation to work and earn income. To achieve this target, Member States should make an effort to reduce poverty, including in-work poverty, promote full participation, at people's own choice, in politics, society, the arts and the economy and extend employment opportunities, in respect of which the European Social Fund is to be used. Member States should pay particular attention here to the increasing number of working poor. In order to formulate specific objectives to combat poverty it must be made clear how poverty should be measured. The standard definition that earning 60 % of the median income constitutes poverty must be qualified. Poverty cannot be established by means of such a one-sided indicator. It has to be ensured that equal opportunities, as well as access to affordable, sustainable and high quality services and public services (including online services, in line with guideline 4), in particular in the social, employment, health and housing fields, are preserved, ensuring that they are available also to the vulnerable and weaker population groups. Member States should also ensure that the oral or written information provided by the public services is clear and complete and that, in the event of a refusal to grant an entitlement, a reason should be given, mentioning the possibilities for an appeal by the person concerned. The principle that there may be no discrimination between men and women with the same training and in the same type of employment should

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be legally binding in Member States for all types of employment relationship. In order to fight social exclusion, empower people to play an active role in society and promote labour market participation, social protection systems and active inclusion policies must be further enhanced to create opportunities and job perspectives, taking into account the various needs and responsibilities at different stages of people's lives, to shield them from the risk of exclusion and to provide, in particular for those furthest from the labour market, support into quality work. Therefore, efficient approaches under active labour market policy for training and job creation have to be created for those who are excluded from the labour market owing to lack of training. At the same time, social security and pension systems must be modernised so that they can be fully deployed to ensure income above the poverty threshold, to enable participation in social life and access to healthcare, whilst the financial sustainability of these systems must be preserved. Benefit systems should ensure income security during transitions and reduce poverty, in particular among groups most at risk from social exclusion, such as one-parent families, minorities, people with disabilities, children and young people, elderly women and men, legal migrants and the homeless. *In particular, Member States shall be committed to tackling child poverty through appropriate measures so that children are not restricted in their personal development and are not underprivileged when entering professional life due to poverty related interferences with their free development. It is particularly important to ensure equal access to education and equal opportunities for children from disadvantaged families, so as to guard against their social exclusion as adults. In order to strengthen income security at various stages of life, Member States should ensure adequate minimum incomes that should at least be above the poverty line, in accordance with the various practices, collective agreements and legislation in Member States. Member States should also actively promote the social economy and social innovations designed to address the different social risks which arise during people's lifetimes, especially where the most vulnerable are concerned, and effectively implement the adopted anti-discrimination measures. In enhancing the sustainability of public finances, Member States should pay particular attention to the positive effects that improvements in social cohesion have on national budgets. Reduced poverty and enhanced participation lead to*

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reductions in social expenditure and increased tax revenues. Member States should guarantee high minimum standards for job quality so as to eradicate poverty among employed people.

Amendment 49**Proposal for a decision****Annex – Guideline 10 – paragraph 1 a (new)**

Social protection systems, including pensions and healthcare, should be strengthened and modernised, ensuring their social adequacy, financial sustainability and responsiveness to changing needs, while providing everyone in the European Union with adequate protection from social insecurities, such as health problems, unemployment and poverty.

Social protection of short-term contracts, which affect women in particular, and pregnant women more particularly still, should be improved by Member States.

Amendment 50**Proposal for a decision****Annex – Guideline 10 – paragraph 2**

The EU headline target, on the basis of which Member States will set their national targets, is to reduce by 25 % the number of Europeans living below the national poverty lines, lifting over 20 million people out of poverty.

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European Parliament

Tuesday 7 September 2010

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*	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.)

Political amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol ***||***.

Technical corrections and adaptations by the services: new or replacement text is highlighted in italics and deletions are indicated by the symbol *||*.

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