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### Information and Notices

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Notice No	Contents	Page
I	<i>Resolutions, recommendations and opinions</i>	
	RESOLUTIONS	
	<b>European Parliament</b>	
	2010-2011 SESSION	
	Sittings of 18 to 20 January 2011	
	The Minutes of this session have been published in OJ C 108 E, 7.4.2011.	
	TEXTS ADOPTED	
	<b>Tuesday 18 January 2011</b>	
2012/C 136 E/01	Implementation of the European Consensus on humanitarian aid: the mid-term review of its Action Plan and the way forward  European Parliament resolution of 18 January 2011 on implementation of the European Consensus on Humanitarian Aid: the mid-term review of its action plan and the way forward (2010/2101(INI)) .....	1
2012/C 136 E/02	Recognition of agriculture as a strategic sector in the context of food security  European Parliament resolution of 18 January 2011 on recognition of agriculture as a strategic sector in the context of food security (2010/2112(INI)) .....	8
	<b>Wednesday 19 January 2011</b>	
2012/C 136 E/03	FLEGT voluntary partnership agreements  European Parliament resolution of 19 January 2011 on FLEGT Voluntary Partnership Agreements .....	16
2012/C 136 E/04	Interim Partnership Agreement between the EC and the Pacific States  European Parliament resolution of 19 January 2011 on the Interim Partnership Agreement between the EC and the Pacific States .....	19

EN

(Continued overleaf)

<u>Notice No</u>	Contents (continued)	Page
2012/C 136 E/05	International adoption in the European Union European Parliament resolution of 19 January 2011 on international adoption in the European Union .....	24
2012/C 136 E/06	Stabilisation and Association Agreement between the EC and Serbia European Parliament resolution of 19 January 2011 on the European integration process of Serbia .....	27
2012/C 136 E/07	European initiative on Alzheimer's disease and other dementias European Parliament resolution of 19 January 2011 on a European initiative on Alzheimer's disease and other dementias (2010/2084(INI)) .....	35
2012/C 136 E/08	Asthma inhalers European Parliament resolution of 19 January 2011 on Petition 0473/2008 by Christoph Klein (German), concerning the failure of the Commission to take action regarding a competition case and the harmful impact of this on the company concerned .....	44
2012/C 136 E/09	Situation in Haiti one year after the earthquake: humanitarian aid and reconstruction European Parliament resolution of 19 January 2011 on the situation in Haiti one year after the earthquake: humanitarian aid and reconstruction .....	46
2012/C 136 E/10	Violation of freedom of expression and discrimination on the basis of sexual orientation in Lithuania European Parliament resolution of 19 January 2011 on violation of freedom of expression and discrimination on the basis of sexual orientation in Lithuania .....	50
<b>Thursday 20 January 2011</b>		
2012/C 136 E/11	Situation of Christians in the context of freedom of religion European Parliament resolution of 20 January 2011 on the situation of Christians in the context of freedom of religion .....	53
2012/C 136 E/12	Situation in Belarus European Parliament resolution of 20 January 2011 on the situation in Belarus .....	57
2012/C 136 E/13	Report on competition policy 2009 European Parliament resolution of 20 January 2011 on the Report on Competition Policy 2009 (2010/2137(INI))	60
2012/C 136 E/14	A sustainable EU policy for the High North European Parliament resolution of 20 January 2011 on a sustainable EU policy for the High North (2009/2214(INI)) .....	71
2012/C 136 E/15	An EU Strategy for the Black Sea European Parliament resolution of 20 January 2011 on an EU Strategy for the Black Sea (2010/2087(INI)) ....	81
2012/C 136 E/16	Pakistan: murder of the Governor of Punjab, Salmaan Taseer European Parliament resolution of 20 January 2011 on Pakistan, in particular the murder of Governor Salmaan Taseer .....	90

Tuesday 18 January 2011

## I

*(Resolutions, recommendations and opinions)*

## RESOLUTIONS

## EUROPEAN PARLIAMENT

**Implementation of the European Consensus on humanitarian aid: the mid-term review of its Action Plan and the way forward**

P7\_TA(2011)0005

**European Parliament resolution of 18 January 2011 on implementation of the European Consensus on Humanitarian Aid: the mid-term review of its action plan and the way forward (2010/2101(INI))**

(2012/C 136 E/01)

*The European Parliament,*

- having regard to the European Consensus on Humanitarian Aid signed on 18 December 2007 by the Presidents of the Council of the European Union, the European Parliament and the Commission,
- having regard to the Commission working document of 29 May 2008 establishing an action plan with concrete measures to implement the Consensus (SEC(2008)1991),
- having regard to Article 214 of the Treaty on the Functioning of the European Union (TFEU), which deals with humanitarian aid,
- having regard to Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid <sup>(1)</sup>,
- having regard to the European Union Guidelines on promoting compliance with international humanitarian law, of 23 December 2005, as updated in December 2009, and to the Council conclusions of 8 December 2009,
- having regard to Council Decision 2007/162/EC, Euratom, of 5 March 2007 establishing a Civil Protection Financial Instrument <sup>(2)</sup>,
- having regard to Council Decision 2007/779/EC of 8 November 2007 establishing a Community Civil Protection Mechanism <sup>(3)</sup>,
- having regard to the Council conclusions of December 2007 inviting the Commission to make the best use of the Community Civil Protection Mechanism and to strengthen cooperation between Member States,
- having regard to the joint document by Catherine Ashton, Vice-President of the Commission/ High Representative of the Union for Foreign Affairs and Security Policy, and Kristalina Georgieva, Member of the Commission, on the lessons to be learned from the EU response to the disaster in Haiti,

<sup>(1)</sup> OJ L 163, 2.7.1996, p. 1.<sup>(2)</sup> OJ L 71, 10.3.2007, p. 9.<sup>(3)</sup> OJ L 314, 1.12.2007, p. 9.

Tuesday 18 January 2011

- having regard to the Commission communication to the Council and Parliament of 10 September 2003 entitled 'The EU and the UN: the choice of multilateralism' (COM(2003)0526), which calls for EU-UN relations generally to be strengthened and incorporated into a framework of systematic political dialogue, closer cooperation, better crisis management and crisis prevention, and strategic partnerships between the Commission and certain UN bodies,
- having regard to the Commission communication to Parliament and to the Council of 5 March 2008 on 'Reinforcing the Union's Disaster Response Capacity' (COM(2008)0130) and to Parliament's resolution of 19 June 2008 on 'stepping up the Union's disaster response capacity' <sup>(1)</sup>,
- having regard to the Commission communication to the Council and to Parliament of 23 February 2009 on 'European Union strategy for supporting disaster risk reduction in developing countries' (COM(2009)0084),
- having regard to the Commission communication to the Council and to Parliament of 31 March 2010 entitled 'Humanitarian Food Assistance' (COM(2010)0126),
- having regard to the Commission working document on DG ECHO's 2010 operational strategy,
- having regard to the report by Michel Barnier entitled 'For a European civil protection force: Europe Aid', published in May 2006,
- having regard to the Universal Declaration of Human Rights, adopted by the UN General Assembly on 10 December 1948,
- having regard to the 1949 Geneva Conventions and their Additional Protocols of 1977,
- having regard to the Convention relating to the Status of Refugees, adopted in July 1951,
- having regard to the UN Convention on the Rights of the Child and the optional protocol thereto on the involvement of children in armed conflict, adopted by the UN General Assembly on 20 November 1989,
- having regard to the Food Aid Convention, signed in London on 13 April 1999, establishing a Community commitment to respond to emergency food situations and other food needs of developing countries <sup>(2)</sup>,
- having regard to the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Response Programmes, adopted in 1994,
- having regard to the principles and practices of Good Humanitarian Donorship (GHD), approved in Stockholm on 17 June 2003,
- having regard to the Principles of Partnership endorsed in 2007 by the Global Humanitarian Platform linking UN and non-UN humanitarian organisations,
- having regard to the UN Guidelines on the Use of Military and Civil Defence Assets in Disaster Relief (Oslo Guidelines) as revised on 27 November 2006,
- having regard to the March 2003 Guidelines on the Use of Military and Civil Defence Assets to support United Nations Humanitarian Activities in Complex Emergencies (MCDA Guidelines),

<sup>(1)</sup> OJ C 286 E, 27.11.2009, p. 15.

<sup>(2)</sup> OJ L 163, 4.7.2000, p. 37.

Tuesday 18 January 2011

- having regard to the Hyogo Framework for Action 2005-2015, adopted at the World Conference on Disaster Reduction held in Kobe, Hyogo, Japan on 18-22 January 2005,
  - having regard to the Humanitarian Response Review commissioned by the United Nations Emergency Relief Coordinator and Under-Secretary for Humanitarian Affairs in August 2005,
  - having regard to the Humanitarian Response Index 2010 compiled by Development Assistance Research Associates (DARA), which analyses and classifies the main donor countries' responses to the needs of people affected by disasters, conflicts and emergency situations,
  - having regard to the programme of International Disaster Response Laws, Rules and Principles (IDRL Guidelines) adopted at the 30th International Conference of the Red Cross and Red Crescent in 2007 in Geneva and the EU Member States' joint undertaking to support them,
  - having regard to its resolution of 14 November 2007 on a European Consensus on Humanitarian Aid <sup>(1)</sup>,
  - having regard to its resolution of 10 February 2010 on the earthquake in Haiti <sup>(2)</sup>,
  - having regard to its recommendation to the Council of 14 December 2010 on Setting up an EU Rapid Response Capability <sup>(3)</sup>,
  - having regard to its resolution of 17 June 2010 on the Israeli military operation against the humanitarian flotilla and the Gaza blockade <sup>(4)</sup>,
  - having regard to the motion for a resolution on the humanitarian crisis in Somalia tabled by Mr Oreste Rossi under Rule 120 of its Rules of Procedure (B7-0489/2010),
  - having regard to its previous resolutions on the delivery of humanitarian aid in third countries,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Development (A7-0375/2010),
- A. whereas, in the common vision of humanitarian aid enshrined in the European Consensus on Humanitarian Aid, emphasis is placed on the Union's will to cooperate closely in this field in order to optimise its effectiveness, to defend and promote the basic humanitarian principles of humanity, neutrality, impartiality and independence and actively to advocate the observance of international humanitarian law,
- B. whereas the commitments derived from the Consensus apply both to the Member States and to the Commission, and whereas the actions listed in the action plan must, in most cases, be implemented by the Commission and Member States acting in concert,
- C. whereas there has been a dramatic increase in the number and severity of natural disasters caused, in particular, by the impact of man-made climate change actions and whereas industrialised countries bear a historical responsibility; whereas the incidence of complex crises is rising which is linked to a number of factors including the changing nature of conflicts, poor governance and situations of fragility; violations of international humanitarian law are worsening; and the 'humanitarian space' is shrinking,

<sup>(1)</sup> OJ C 282 E, 6.11.2008, p. 273.

<sup>(2)</sup> OJ C 341 E, 16.12.2010, p. 5.

<sup>(3)</sup> Texts adopted, P7\_TA(2010)0465.

<sup>(4)</sup> Texts adopted, P7\_TA(2010)0235.

Tuesday 18 January 2011

- D. whereas the provision of aid is becoming increasingly difficult and dangerous, whereas the insecurity of humanitarian aid staff is increasing and whereas, in 2008, 122 humanitarian aid workers were killed,
- E. whereas more specific attention ought to be directed at the most vulnerable groups of people, such as women, children and forcibly displaced persons, and whereas the worsening incidence of gender-related violence and sexual violence is a major problem in humanitarian contexts, with systematic rape being used in some cases as a weapon of war,
- F. whereas the increasing involvement of non-humanitarian bodies in responding to humanitarian crises carries with it a major risk of confusion between the military and humanitarian roles and blurs the boundaries of neutral, impartial and independent humanitarian aid,
- G. whereas the recent tragedies in Haiti and Pakistan demonstrated once again that the tools available to the EU for responding to disasters (humanitarian aid and the Community Civil Protection Mechanism) need to be improved in terms of effectiveness, speed, coordination and visibility and whereas these disasters have highlighted once again the need to create a European rapid reaction capacity,
- H. whereas the humanitarian context worldwide has deteriorated, the scale of the challenges and the humanitarian need is huge and it is essential to work on strengthening implementation of the European Consensus and the associated action plan, as well as worldwide coordination and burden sharing taking into account the regional responsibilities of the countries who have the capacity to be major contributors of humanitarian aid,
- I. whereas the Commission's budget for humanitarian disasters, and specifically that of DG ECHO, has not merely been frozen, but has fallen slightly in real terms over the last five years,

***The European Consensus on Humanitarian Aid and the associated action plan***

1. Considers it regrettable that, outside the humanitarian partners, there is insufficient awareness of the European Consensus on Humanitarian Aid, and calls for the introduction of specific training about the Consensus, particularly for the European External Action Service (EEAS), for diplomats from the Member States and for military bodies;
2. Considers it regrettable that the Member States are not more involved in implementing the Consensus and considers that the role of the Council's Working Party on Humanitarian Aid and Food Aid (COHAFA) should be reinforced with a view to better monitoring of how the Consensus is implemented – for example by organising specific sessions on integrating the Consensus into national humanitarian strategies or submitting an annual activity report – and more active pursuit of the remit to argue the case for humanitarian aid with other Council Working Groups and with the Political and Security Committee (PSC), while continuing to focus on effective and speedy coordination;
3. Encourages active promotion by EU delegations in third countries of the dissemination and implementation of the Consensus and of its Action Plan among the representations of the Member States;
4. Calls on the Commission to explore the possibility of a yearly exchange of best practices with EU national Parliaments about their implementation of the Consensus commitments;
5. Advocates increased funding for humanitarian aid to reflect the growing number of humanitarian interventions, and calls on the budgetary authority to transfer all or part of the emergency reserve allocation to DG ECHO's initial budget; underlines the importance of achieving the OECD/DAC target of 0,7 % of GNI by 2015;
6. Calls also for realistic budgets to be drawn up, allocating appropriations for natural disasters or humanitarian action on the basis of repeated experience with spending in previous years;

Tuesday 18 January 2011

7. Urges that additional efforts be made to speed up the funding of operations following natural and other disasters and the simplification of the decision-making and authorisation procedures for budgetary implementation; stresses the need for the Commission's services to work in close collaboration with the EEAS, so as to make rapid initial funding of the operations possible;
8. Recalls the importance of maintaining a balanced overall response while devoting particular attention to 'forgotten crises';
9. Calls for an increase in funding and the development of capabilities and resources in order to ensure that humanitarian aid and civil protection remain purely civilian tasks;
10. Supports the essential role played by NOHA (the first network of universities offering humanitarian aid training at European level) in promoting greater awareness of the world humanitarian context and particularly European policy in response to the needs of the most vulnerable groups by means of education and training of young Europeans;

***Humanitarian principles, international humanitarian law and protecting the 'humanitarian space'***

11. Reasserts the principles and aims of humanitarian aid contained in the Consensus; emphasises that EU humanitarian aid is not a crisis-management tool and deplores the increasing politicisation of humanitarian aid and its consequences in terms of respect for the 'humanitarian space';
12. Takes the view that the external action of the European Union, provided for in the Lisbon Treaty, must respect the principles espoused and commitments given in the Consensus on Humanitarian Aid, and considers that the EU should, in the light of its political weight and its influence as the main international donor, promote humanitarian principles unstintingly;
13. Calls also for military and civilian personnel, and humanitarian workers involved in disaster response or humanitarian operations, to act in accordance with the principles of neutrality, independence and impartiality;
14. Welcomes the December 2009 review of the EU Guidelines on promoting compliance with international humanitarian law (IHL) and considers that the Commission and the Member States have a major political role to play in their implementation; hopes, also, that specific training in international humanitarian law will be provided at the EEAS;
15. Asks the Commission to ensure that additional funding is earmarked for promoting IHL and raising awareness of it on the ground – among those who bear arms, among young people and among politicians and civil society;
16. Recalls that the principles and good practices in the field of humanitarian aid adopted in June 2003 emphasise the need to encourage the rendering of accounts and the regular assessment of international responses to humanitarian crises, including the performance of donors, and stresses that these assessments must be the subject of wider consultation, particularly with humanitarian actors;

***A joint framework for the delivery of aid***

*The quality of aid*

17. Points out that the provision of aid must be based solely on identified need and the degree of vulnerability, that the quality and quantity of the aid are determined primarily by an initial evaluation and that the evaluation process needs to be further improved, particularly with regard to the application of vulnerability criteria, especially regarding women, children and disabled groups;
18. Recalls that genuine and continuous involvement – and if possible participation – of beneficiaries in the management of aid is one of the essential conditions for the quality of humanitarian responses, particularly in the case of long-term crises;



Tuesday 18 January 2011

19. Insists that the EU assistance in the event of natural or man-made disaster should aim at helping the local economy as much as possible, in particular by purchasing locally or regionally produced foodstuffs and providing the necessary materials for farmers;

20. Calls for harmonisation of the methodologies used by the various parties involved and encourages the UN Office for Coordination of Humanitarian Affairs (OCHA) to continue working towards the definition of a common methodological framework which prioritises effective and speedy intervention and permanently involves, as far as possible, the local stakeholders, including non-state stakeholders;

21. Actively encourages the Commission to pursue its work in specific fields such as nutrition, protection, gender and sexual violence, refugees, returnees and IDPs and calls for the issues of gender and reproductive health to be systematically integrated into the emergency healthcare aspect of humanitarian response;

22. Calls on the Council to work out details of how to act on the recommendation in the Barnier report that the EU's outermost regions should be used, on a non-exclusive basis, as support bases to facilitate the pre-positioning of vital products and logistics, which would make it easier to deploy the available European human and material resources in the event of an urgent humanitarian intervention outside the EU;

23. Encourages the Commission to continue its thinking about the potential negative impact of humanitarian aid on the areas where it is provided – particularly the possible destabilisation of economic and social structures and the impact on the natural environment – and calls on it to devise appropriate strategies to make it possible to take this impact into account from the project design stage;

#### *Diversity and quality of partnerships*

24. Calls for respect for the diversity of bodies actively involved in financing and implementing international humanitarian programmes – the UN, the International Red Cross and Red Crescent Movement and NGOs – and encourages efforts to reinforce the capacity of local players; calls for proper coordination and exchange of information between all actors involved;

25. Requests all government bodies to respect the important role of NGOs in raising funds through private donations;

26. Supports the pursuit of humanitarian reforms at UN level and calls for the system of humanitarian coordinators to be reinforced; for 'pooled funds' to be used in a more transparent, recipient-driven and flexible way; and for improvements in the 'cluster'-based approach (with regard to sectoral responsibility), based on the UN HRR recommendations and reinforcing the transparency and accountability principles, notably in terms of coordination with local structures and non-state actors, consideration of inter-sectoral aspects and coordination between 'clusters';

#### *International and European-level coordination*

27. Reaffirms the core role played by the United Nations, particularly the OCHA, in coordinating international humanitarian action;

28. Welcomes initiatives to achieve greater consistency among the various European crisis-response instruments, and the fact that humanitarian aid and civil protection have been placed under the responsibility of a single directorate-general; insists, however, that a formal separation be maintained between the respective remits, roles and resources;

29. Calls on the Council and the Commission to introduce precise and transparent rules on cooperation and coordination between the EEAS and the Commission in the management of large-scale crises outside the EU; and to work actively regarding EU's visibility of those resources and capabilities used on the field;

30. Recalls that the European Union's external strategy on children's rights should be based on the values and principles defined in the Universal Declaration of Human Rights, in particular Articles 3, 16, 18, 23, 25, 26 and 29, and the UN Convention on the Rights of the Child and its Optional Protocols;



Tuesday 18 January 2011

***Use of military and civil protection capabilities***

31. Reaffirms that a very clear distinction needs to be maintained between the remits of military and humanitarian bodies, particularly in areas affected by natural disasters and armed conflicts, and that it is essential for military resources and capabilities to be used only in a very limited number of cases and as a last resort in support of humanitarian aid operations, in accordance with UN guidelines (the MCDA and Oslo guidelines) <sup>(1)</sup>;

32. Reminds the Commission and the Member States that humanitarian aid and civil protection must be regarded as purely civilian tasks and implemented accordingly;

33. Calls on the Commission to undertake awareness-raising activities about the specificity of humanitarian aid as part of EU foreign policy and calls on the Member States to ensure that their armed forces observe and apply the UN guidelines; considers, further, that there is a need for dialogue between military and humanitarian bodies in order to develop mutual understanding;

34. Reaffirms that the use of civil protection resources in humanitarian crises must be needs-based and must complement and be consistent with humanitarian aid, and points out that, in the case of natural disasters, such resources can make a certain contribution to humanitarian action, if employed in line with Inter-Agency Standing Committee (IASC) principles on the subject;

35. Calls on the Commission to bring forward ambitious legislative proposals for the establishment of a European civil protection force, based on optimising the existing Community Civil Protection Mechanism and pooling existing national resources so that no major additional costs will be incurred, and drawing on systems tried and tested during preparatory initiatives; takes the view that civil protection force financing has to be additional to funding for humanitarian emergencies;

36. Considers that the European civil protection force could comprise a commitment by certain Member States to voluntarily make available predetermined essential civil protection modules, which would be ready to intervene immediately for EU operations coordinated by the Monitoring and Information Centre (MIC), and also considers that most of these modules, which are already available at national level, would remain under their control and that the deployment of these modules on a standby basis would form the nucleus of the EU's civil protection to respond to disasters outside and inside the EU;

***Continuity of aid******Disaster risk reduction and climate change***

37. Welcomes the adoption in February 2009 of a new European strategy to support disaster risk reduction in developing countries; urges the Commission in this respect to develop disaster prevention and response management capacity programmes with national governments, local authorities and civil society organisations in beneficiary countries and calls for the strategy to be implemented swiftly;

38. Calls for a major effort to ensure that disaster risk reduction is more systematically included as an aspect of development aid and humanitarian aid policies;

39. Advocates a substantial increase in the funding allocated to this aspect of policy and stresses the importance of maintaining provision for small-scale funding in order to ensure a context-friendly approach and local ownership of projects;

40. Calls for the agenda on adaptation to climate change to be better coordinated with disaster risk reduction activities;

<sup>(1)</sup> MCDA Guidelines: Guidelines on the Use of Military and Civil Defence Assets to support United Nations Humanitarian Activities in Complex Emergencies; March 2003. Oslo Guidelines: Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief; November 2007.

Tuesday 18 January 2011

*Linking emergency aid, rehabilitation and development*

41. Deplores the fact that there has still been little practical progress on linking emergency aid, rehabilitation and development, in spite of the numerous political undertakings given in that regard in recent years;

42. Stresses the importance of a timely transition from emergency to development, based on specific criteria and a thoroughly conducted assessment of needs;

43. Calls for more resources with the aim of assuring the continuity of aid and a focus on flexibility and complementarity among existing financial arrangements in the phases of transition from emergency to development;

44. Advocates enhanced dialogue and coordination among humanitarian organisations and development agencies both in the field and in the relevant departments of the EU and Member State institutions;

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45. Instructs its President to forward this resolution to the Council, the Commission and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

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## Recognition of agriculture as a strategic sector in the context of food security

P7\_TA(2011)0006

### European Parliament resolution of 18 January 2011 on recognition of agriculture as a strategic sector in the context of food security (2010/2112(INI))

(2012/C 136 E/02)

*The European Parliament,*

- having regard to its resolution of 8 July 2010 on the future of the Common Agricultural Policy after 2013 <sup>(1)</sup>,
- having regard to its resolution of 13 January 2009 on the Common Agricultural Policy and Global Food Security <sup>(2)</sup>,
- having regard to its resolution of 5 May 2010 on EU agriculture and climate change <sup>(3)</sup>,
- having regard to its resolution of 7 September 2010 on fair revenues for farmers: A better functioning food supply chain in Europe <sup>(4)</sup>,
- having regard to the Commission proposal for a regulation of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories, SEC(2010)1058,
- having regard to its resolution of 22 May 2008 on rising food prices in the European Union and developing countries <sup>(5)</sup>,

<sup>(1)</sup> Texts adopted, P7\_TA(2010)0286.

<sup>(2)</sup> OJ C 46 E, 24.2.2010, p. 10.

<sup>(3)</sup> Texts adopted, P7\_TA(2010)0131.

<sup>(4)</sup> Texts adopted, P7\_TA(2010)0302.

<sup>(5)</sup> OJ C 279 E, 19.11.2009, p. 71.

Tuesday 18 January 2011

- having regard to the Communication from the Commission entitled ‘An EU policy framework to assist developing countries in addressing food security challenges’,
  - having regard to the UN Millennium Goals, which include halving the proportion of the global population suffering from hunger in 2015 as compared with 1990,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Agriculture and Rural Development and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0376/2010),
- A. whereas ensuring food security for Europe’s citizens, providing consumers with healthy and high-quality food at reasonable prices, and safeguarding farm incomes have been the core objectives of the Common Agricultural Policy (CAP) since its inception and remain key objectives of the EU at present,
- B. whereas recent food and commodity price volatility has raised serious concerns about the functioning of the European and global food supply and whereas the increase in food prices has hit the most vulnerable population groups hardest,
- C. whereas price volatility in agriculture is permanent in nature, as prices respond disproportionately to small variations in the level of production, very frequently as a result of speculation,
- D. whereas at a recent meeting of the Committee on World Food Security in the FAO, the EU highlighted the problem of extreme price volatility and the new High Level Panel of Experts was asked to report on causes and measures in relation to price fluctuations,
- E. whereas climatic and other events may lead countries to pursue protectionist policies, as illustrated by the recent export bans on wheat imposed by Russia and Ukraine, which together export some 30 % of the world’s wheat,
- F. whereas global food production can be regularly undermined by a range of factors including the impact of pests and diseases, availability of natural resources and natural disasters, as illustrated in 2010 by the prolonged drought and fires in Russia and the massive floods in Pakistan,
- G. whereas climate change will result in more frequent occurrences of such natural disasters, thus undermining food security,
- H. whereas the challenge is to produce ‘more from less’, with an emphasis on sustainable production, due to pressure on natural resources,
- I. whereas the EU is the largest net agricultural products importer, and is over-reliant on imports of protein, oleaginous products and maize for its animal husbandry sector, as well as fruit and vegetables, not least because our producers are not allowed to use the same production methods for such products,
- J. whereas the estimated growth in the global population from 7 to 9,1 billion will require a 70 % increase in the food supply by the year 2050, according to the FAO,
- K. whereas poverty and famine still exist in the European Union; whereas 79 million people in the EU still live below the poverty line (60 % of the average income of the country in which the person lives); and whereas 16 million EU citizens received food aid through charities last winter,
- L. whereas food security does not only mean the availability of food supplies, but also includes according to the FAO the right to food and the accessibility of healthy nutrition for all; whereas, by becoming ever more competitive, Europe can contribute to global food security,

Tuesday 18 January 2011

- M. whereas lack of food security for the poorest members of society has been aggravated by the effects of the global economic and financial crisis,
  - N. whereas farmers' incomes fell dramatically in 2009 after a decade of income stagnation, due largely to difficult market conditions and rising costs of production; whereas agricultural incomes are significantly lower (by an estimated 40 % per working unit) than in the rest of the economy, and income per inhabitant in rural areas is considerably lower (by about 50 %) than in urban areas,
  - O. whereas farmers receive a steadily decreasing share of the value added generated by the food supply chain, while the share of the food industry has increased; whereas a proper functioning food supply chain is a necessary prerequisite to ensure that farmers obtain a fair return for their produce,
  - P. whereas along the whole food production, supply and consumption chain, up to 50 % of the food produced in the EU is wasted,
  - Q. whereas only 7 % of farmers in the EU are under 35 years of age,
  - R. whereas food security is a central issue for Europe and requires coherence and coordination between various sectoral policy areas at EU level, namely the CAP, energy policy, research programmes, development and trade policies, and financial regulation,
1. Stresses that a strong and sustainable agricultural sector across the EU and a thriving and sustainable rural environment, ensured by a strong CAP, are vital components of meeting the food security challenge;
  2. Affirms that the EU has the highest standards of agricultural and food production in the world with a strong emphasis on food safety, food quality and the environmental sustainability of agriculture;
  3. Takes the view that we will need to make use of all forms of farming in order to be able to feed Europe and third countries;

#### ***Food security in Europe and the world***

4. Believes that the right to food security is a basic human right and it is achieved when all people, at all times, have physical and economic access to suitable, safe (from the point of view of health) and nutritious food to meet their dietary needs and preferences for an active and healthy life;
5. Affirms that the EU has a duty to feed its citizens and that continuing farming activity in the EU is key in this regard; draws attention to declining farm incomes in the EU, caused by rising production costs and price volatility, which impact negatively on farmers' ability to maintain production; highlights the costs that European farmers have to bear in meeting the highest food safety, environmental, animal welfare and labour standards in the world; stresses that farmers must be compensated for these additional costs and for providing public goods to society; underlines that food from third countries entering the EU must meet the same high standards, so that European producers do not suffer in terms of competitiveness;
6. Recognises that guaranteeing an adequate supply of food is an essential component of food security, but also acknowledges that access to food and affordability of food requires that attention be given to the provision of an adequate standard of living, particularly for those with insufficient economic resources, who are often children, elderly persons, migrants, refugees and unemployed persons;
7. Supports the formula Food Security - Nutrition - Quality - Proximity- Innovation - Productivity; believes that in order to achieve this the future CAP should take note of the public expectations that it should be both an agricultural and a food policy geared to providing public information about a healthy diet;

Tuesday 18 January 2011

8. Considers that the EU should create better conditions for the implementation of nutrition programmes such as School Fruit and School Milk in the Member States, as well as better support for education and awareness-raising about the origin of products and nutrition, given that informed choices about diet can prevent disease and reduce the heavy strain on social spending in Europe; also calls for more dietary support programmes, which should have a reduced administrative burden, and for the budget for those programmes to be increased; invites the Commission to assess the practicalities of these programmes;
9. Reaffirms its support for the EU's Most Deprived Persons programme; recalls that through its Farm Bill the US allocates significant support to its Supplemental Nutrition Assistance Programme, which generates substantial revenues for the sector and the economy in general, in addition to alleviating some of the food needs of its poorest people;
10. Is conscious of the great challenge climate change poses to achieving food security, especially through an increase in the frequency and scale of climatic events, such as droughts, floods, fires and storms; highlights the increasing challenge of water scarcity and its impact on food production; stresses the need to tackle water management and climate change as a matter of urgency;
11. Recalls that energy security and food security are very closely linked; recognises that energy costs are a key factor in determining the level of profitability of agriculture, which is the main oil dependent; encourages measures that incentivise farmers to become more energy efficient and develop alternative energy supply sources; recalls that more consistent support for research development and advisory services is needed;
12. Considers, however, that the increased drive to develop renewable energy sources and meet the 2020 targets must take into account the impact on food production and supply; stresses the delicate balance involved in meeting the food/fuel challenge;
13. Notes the level of reliance on imports of proteins and oleaginous products from third countries, which has negative consequences for the food and farming industry, in particular the animal husbandry sector when price spikes occur;
14. Calls on the Commission to propose a technical solution to the problem of low-level presence of GM material in non-GM imports and to propose a faster approval process within the EU for the importation of a new GM feed variant once it has been proved safe;
15. Calls on the Commission and Member States to ensure that the public have access to information on the outcome of food security controls in order to increase transparency at European level;
16. Is concerned about the emergence of the phenomenon of land grabbing and its implications for food security in developing countries and the future of agriculture and farmers; calls on the Commission to investigate this situation in relation to land tenure and natural resources;
17. Observes that, due to high feed costs, the situation of livestock farms within the EU has deteriorated; calls, therefore, for targeted use of the instruments available under the Common Market Organisation Regulation (EC) No 1234/2007 to stabilise the market and avert a crisis;
18. Believes that the productivity gains that will be made in the new Member States will increase the amount of land available and will provide an opportunity to boost the production of proteins and oleaginous products in the EU;
19. Notes that food security cannot be guaranteed if free access to genetic resources for food and agriculture is not available; recognises the FAO International Treaty on Plant Genetic Resources for Food and Agriculture as an important instrument for the preservation of agricultural biodiversity which thereby averts the consequences of climate change;
20. Stresses that the incentives for sustainable energy crops currently being planned should not in any way compromise food security for the public;

Tuesday 18 January 2011

21. Calls on the Member States to develop and implement programmes containing concrete agricultural measures aimed at mitigating and adapting to the effects of climate change;
22. Stresses the need to promote the launching of an information campaign for consumers regarding efforts by farmers and the agricultural sector in terms of environmental protection and food security;

***Agriculture, financial markets and price volatility***

23. Believes that financial and agricultural markets today are more intertwined than ever; considers that a European response alone is no longer sufficient and that Europe should act in concert with third countries and international organisations on the issues of price volatility and food security; endorses the action taken towards this end by the G20 Presidency;
24. Highlights the problems faced by farmers at times of extreme market and price volatility; draws attention to the difficulties that farmers encounter in attempting to plan ahead at times of extreme volatility; urges the Commission to introduce permanent and robust measures to address volatility in agricultural markets as a matter of urgency; believes that this will be a key determinant in ensuring that production is maintained in the European Union;
25. Notes that the price index on financial markets for primary agricultural goods has never been so unstable; cites as an example the recent increase in the price of contracts for wheat, which rose by 70 % in two months, with the volume of trading in them more than doubling on the Paris commodities market;
26. Highlights the fact that these events are only partly caused by market fundamentals such as supply and demand and are to a great extent the result of speculation; notes that speculative behaviour has accounted for up to 50 % of the recent price hikes; endorses the conclusions of the UN Special Rapporteur on the right to food regarding the role played by large institutional investors, such as hedge funds, pension funds and investment banks – all generally unconcerned with agricultural markets – in influencing commodities price indexes through their movements on derivatives markets;
27. Supports, in this context, a revision of the existing legislation on financial instruments, which should provide for more transparent trading; recalls that financial instruments should serve the economy and help agricultural production surmount crises and climatic events; at the same time, speculation should not be allowed to threaten otherwise efficient agricultural holdings;
28. Welcomes the Commission proposal for a regulation on OTC derivatives, central counterparties and trade repositories; wishes to see safety nets against extreme price volatility available as a rapid reaction crisis tool; wishes to see coordination on legislation between the EU and third countries, such as the US, in order to reduce opportunities for speculators to take unfair advantage of the differences between various regulatory systems;
29. Is in favour of bolder European action to tackle the problem of speculation, including through a mandate issued to regulators and oversight bodies to restrict speculation; believes that commodity derivatives are different from other financial derivatives and that the former should be dealt with only by traders who have legitimate interests in protecting agricultural merchandise against risks and by other categories of persons directly linked to real agricultural production; calls on the Commission to ensure that dealing with food commodity derivatives is restricted as far as possible to investors directly linked to agricultural markets;
30. Expresses its concern about the far-reaching concentration which has occurred in cereals trading, as a result of which the businesses concerned are able to influence market prices; notes that this can increase the volatility of prices, as cereal merchants have an interest in major price fluctuations because of their speculative transactions; considers that this also demonstrates the need for intervention stocks or for some other safety net to promote price stability and defend the interests of farmers and consumers;

Tuesday 18 January 2011

31. Stresses that it is not possible to take effective action against major price fluctuations without intervention stocks or strategic stocks; considers, therefore, that the role of market intervention instruments must be enhanced in the future CAP;

32. Stresses that increased transparency and fairness in the food supply chain is required to ensure a fair return for farmers, fair profits and pricing along the food supply chain and a viable agricultural sector that will deliver food security; urges the Commission to come forward with tangible and effective proposals to address this issue;

33. Points out that, when confronted with price volatility, countries with low income food deficit (LIFDC) tend to be more vulnerable;

#### ***Global food stocks for global food security***

34. Notes that at present the total global food supply is not insufficient and that it is rather inaccessibility and high prices which deny many people food security;

35. Notes, however, that global stocks of food are much more limited than in the past, having fallen to a record low of 12 weeks' worth of global food reserves during the food crisis of 2007; points out that world food production is increasingly vulnerable to extreme weather events linked to climate change, to increased global pressure on land as a result of urbanisation, and to an increasing number of pests and diseases which can cause sudden and unpredictable food shortages;

36. Considers, therefore, that a targeted global system of food stocks (both emergency stocks to reduce hunger and stocks to be used to regulate commodity prices) would be beneficial, helping to facilitate world trade when price spikes occur, warding off recurring protectionism and easing the pressure on world food markets; considers that these stocks should be managed by a common body under the aegis of the United Nations, or by the FAO, and make full use of the experience amassed by the FAO and the UN World Food Programme; calls on the Commission as a matter of urgency to study and report to Parliament on the most effective way to achieve this; further calls on the Commission to play a leading role in advocating this targeted global food-stock system;

37. Recalls that the EU has so far responded with aid and money, including through the Food Facility; wishes to see reports on the effectiveness of this facility, including with regard to progress in combating causes and symptoms, and calls on the Commission to analyse the possibility of introducing an instrument to help fight famine in the world;

38. Reiterates the importance of developing agriculture in the developing world and the importance of allocating an appropriate share of EU ODA to the agriculture sector; regrets that there has been a dramatic reduction in the level of development aid allocated to agriculture since the 1980s and welcomes the recognition of the need to reverse this trend; calls on the Commission to prioritise agriculture in its development aid, including assistance to farmers in accessing markets;

39. Is dismayed at the conclusions of the 2010 United Nations Summit on the Millennium Development Goals (MDG), pointing out that developed countries are a long way from meeting the commitments given in terms of official development assistance;

40. Commends the initiative taken by the World Bank at the 2010 United Nations Summit on the Millennium Development Goals (MDG) to increase its support for the agricultural sector, so as to boost incomes, employment and food security, particularly in low-income areas;

#### ***A new CAP to respond to challenges***

41. Reaffirms the position set out in its report on the future of the CAP after 2013; reaffirms its commitment to a strong agricultural and rural development policy which ensures food security for all, maintains the vitality of rural Europe, makes agriculture more competitive, ensures the continuation of



**Tuesday 18 January 2011**

agriculture production throughout the EU, is supportive of innovation, competitiveness and employment, and plays its part in meeting major global challenges, such as climate change; emphasises also the need for further simplification and debureaucratisation of the CAP in order to reduce the implementing costs for beneficiaries;

42. Stresses the role that must be played by young farmers in the future CAP; points out that only 7 % of European farmers are younger than 35, and at the same time that no fewer than 4,5 million farmers will retire in the next 10 years; favours strengthening measures beneficial to young farmers such as installation premiums, subsidised interest rates on loans and other incentives which have been implemented by Member States through their rural development budgets; reaffirms the substance of its budget amendment on the exchange programme for young people and wishes to see this implemented as a pilot project; calls also for the removal of all administrative constraints preventing young people from taking up farming;

43. Believes that research and innovation are key to meeting the challenge of food security in increasing production while using less resources; highlights the importance of promoting professional training, access to education, knowledge transfer and the exchange of best practices in the farming sector; reiterates the need for a coordinated approach between the CAP and other policies in order to facilitate access to research and innovation in agriculture;

44. Calls on the Commission and Member States to avail themselves to the full of the opportunities offered by the Seventh Framework Programme for Research and Development in the field of research and technological innovation so as to improve productivity while respecting energy efficiency and sustainability criteria;

45. Notes that every year the amount of land available for agricultural production is reduced due to climate change and urbanisation;

46. Wishes to stress in particular the importance of diversity in European agriculture and of ensuring the coexistence of different agricultural models, including small-scale farming which creates jobs in rural parts of the EU, as well as that of the diversity and quality of food, including small-farm and non-industrial products in short supply chains, and nutrition across Europe, with a view to fostering the development of rural areas and preserving the heritage of regional food and wine sectors;

47. Notes that local traditional agricultural practices, family farming, small-scale, and organic farming, can make a valuable contribution to food security, because they often represent effective ways of utilising land through methods specifically developed in individual regions over lengthy periods of time and enable a deep connection to be established between a product and the area in which it originates and which symbolises the quality and authenticity of the product; stresses the need for those types of agriculture to co-exist with sustainable modern farms, combining high productivity with sustainable land use;

48. Emphasises also that the excessive subdivision of farmland in some Member States is an impediment to agricultural productivity, and that steps need to be taken to encourage the amalgamation of small agricultural holdings;

49. Highlights the need to preserve the diversity of agriculture in the EU, acknowledges that local markets supplied by fresh and locally produced agricultural goods are environmentally sustainable and help to support established farming communities; stresses the importance of agriculture in less favoured areas; calls on the Commission to address the diverse European agricultural models in its future CAP proposals, including a consideration of the possibility of creating special financial incentives and identification schemes;

50. The need to implement a fairer CAP, which should ensure a balanced distribution of support to farmers, both within and between all Member States, greater territorial cohesion, and the phasing-out of export subsidies, in parallel with the phasing out of all forms of export subsidies by the EU's trading partners and the imposition of discipline on all export measures with equivalent effect;

Tuesday 18 January 2011

51. Recognises that reforms of the CAP have significantly reduced the impact of the EU's agricultural production on developing countries, with export refunds all but eliminated; calls for the EU to recognise the importance of supporting the agricultural sectors of developing countries, particularly by ensuring that agriculture is prioritised in developing countries and in the EU's overseas development aid budget;

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

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Wednesday 19 January 2011

## **FLEGT voluntary partnership agreements**

P7\_TA(2011)0008

### **European Parliament resolution of 19 January 2011 on FLEGT Voluntary Partnership Agreements**

(2012/C 136 E/03)

*The European Parliament,*

- having regard to the draft Council decision (10028/2010) (Republic of the Congo) and to the proposal for a Council decision (12796/2010) (Cameroon),
- having regard to the draft Voluntary Partnership Agreement between the European Union and the Republic of the Congo on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) (07636/2010),
- having regard to the draft Voluntary Partnership Agreement between the European Union and the Republic of Cameroon on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) (13187/2010),
- having regard to the request for consent submitted by the Council in accordance with Article 207(3), first subparagraph, Article 207(4), first subparagraph, Article 218(6), second subparagraph (a)(v) and Article 218(7) of the Treaty on the Functioning of the European Union (C7-0170/2010 and C7-0339/2010),
- having regard to the United Nations Declaration on the Rights of Indigenous Peoples (adopted by General Assembly Resolution 61/295 on 13 September 2007),
- having regard to Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market <sup>(1)</sup>,
- having regard to the Cancún Agreement,
- having regard to its positions of 19 January 2011 on the draft Council decisions on the conclusion of Voluntary Partnership Agreements on FLEGT with the Republic of Congo <sup>(2)</sup> and the Republic of Cameroon <sup>(3)</sup>,
- having regard to Rules 115(5) and 110(2) of its Rules of Procedure,

1. Welcomes the Voluntary Partnership Agreements (VPAs) with the Republic of Cameroon and the Republic of Congo; believes that guidelines for good practice could be drawn from the negotiation of these VPAs to set a precedent for other ongoing VPA negotiations with timber producing countries;

2. Underlines the shared responsibility of both the EU and countries supplying tropical wood products to the EU market for eradicating illegal logging, and for related trade and strengthening efforts for the conservation and sustainable use of forest resources globally;

3. Welcomes in this regard the commitments of the parties involved to improve forest governance and reform existing legislation where necessary so as to ensure that activities in the forestry sector are transparent, respectful of indigenous peoples' rights, and do not contribute to adverse environmental impacts; also welcomes the commitment of the EU to provide support for capacity building, including in particular the setting-up in timber producing countries of traceability and legality verification systems for timber and timber products;

<sup>(1)</sup> OJ L 295, 12.11.2010, p. 23.

<sup>(2)</sup> Texts Adopted, P7\_TA(2011)0010.

<sup>(3)</sup> Texts Adopted, P7\_TA(2011)0009.

Wednesday 19 January 2011

***Forest biodiversity, climate and sustainable human development***

4. Recalls that VPAs are motivated by the idea of jointly stopping the trade in illegally harvested timber and products made from such timber and contributing to efforts to stop deforestation and forest degradation, related carbon emissions and biodiversity loss globally while promoting sustainable economic growth, sustainable human development, sustainable food sources and respect for indigenous and local peoples;

5. Recalls that the expansion of large-scale exploitation of tropical forests and other forests with high biodiversity and carbon stock values is unsustainable and may result in further deforestation and forest degradation, contributing to the destruction of the global environment; notes the inherent tension within VPAs, in that, while encouraging the trade in timber products from countries with large areas of natural forests, the EU could undermine its objectives of combating climate change, support for the conservation and sustainable use of biodiversity, reduction of poverty and stopping deforestation worldwide; therefore calls on the Commission to ensure that the EU policy is coherent and that actions supported by the VPAs will make an effective contribution to the international commitments of all parties to a VPA; urges the Commission and the Council to detail which additional initiatives to the VPAs are foreseen in order to combat deforestation and degradation of natural forests and to promote their protection;

6. Recalls that whilst the forests are the sovereign possessions of the state where they are located, the forest environment is a common heritage of humankind and must be protected, preserved and, where practicable, restored with the ultimate aim of maintaining global biodiversity and ecosystem functions, protecting the climate system, and safeguarding the rights of indigenous peoples and forest-dependent communities; therefore invites partner governments in Africa and third countries to develop land-use and resource management plans that will achieve these objectives, and to identify where and how much support would be needed from foreign partners and international organisations to move those objectives forward;

7. Calls on the Commission, against this background, to pay the utmost attention to ensuring that VPAs do not encourage the expansion of industrial logging activities into intact forest landscapes, and to work with the governments of the Republic of Cameroon and the Republic of the Congo and all governments signing up to VPAs in the future to monitor and take steps to eliminate the negative effects, both direct and indirect, of commercial logging on wildlife;

***Process of negotiation***

8. Welcomes the voluntary, transparent, participatory and consensus-oriented approach through which the agreements were reached; recommends that this approach should become the norm for the negotiation of VPAs with other timber producing partner countries;

9. Underlines the essential role of independent national civil society organisations and of independent external observers in monitoring proper implementation of agreements by all parties involved, including via a commitment to national stakeholder involvement in the joint committees to be set up to oversee the implementation process; stresses that local civil society organisations need to be empowered to carry out independent monitoring of law enforcement as well as the implementation of governance reforms in the forestry sector;

10. Asks the Commission to establish a mechanism to ensure that the VPAs are enforced effectively and in a timely manner through the different stages of the implementation phase, guaranteeing in particular the reinforcement of the capacities of local stakeholders and the direct involvement of local communities and indigenous populations during the implementation phase, in order to ensure wider acceptance of the reforms that will be implemented upstream of the VPAs as well as full verification of imports into the EU;

***FLEGT licenses and legal frameworks***

11. Recalls that a review of the legislative and regulatory framework governing the forestry sector is necessary in order to have a VPA which conforms with the objectives of the FLEGT action plan and to ensure that implementation of the VPA contributes to the environmental and social conventions and international agreements to which parties to a VPA are held;

Wednesday 19 January 2011

12. Recalls that the VPAs also aim at improving social justice and respecting the rights of local and indigenous communities, thus including the principles of transparency and participation on an equal footing;

13. Recalls that these legislative improvements have to be completed before the FLEGT licences are issued;

#### ***Implementation and rights of local population***

14. Asks the Commission to present, within six months of the entry into force of any VPA, a report on the measures undertaken to ensure that the dialogue between the stakeholders and civil society, including the local and indigenous population, continues and is maintained during the implementation phase; takes the view that this report should include an assessment of the implications and real contributions of the content of the VPA in terms of the EU's international commitments and those of the signatory country regarding the environment and sustainable development, including the conservation and sustainable management of biodiversity resources;

15. Asks both parties to a VPA to ensure that civil society, local populations and indigenous peoples are able to contribute freely and confidently to the implementation and enforcement of the VPAs; is of the opinion that the Joint Agreement Implementation Committee should provide civil society, local populations and indigenous peoples' organisations with a right of complaint and then a right of appeal if unsuccessful;

16. Requests the Commission to ensure it has a good understanding of the current human rights situation in any potential VPA partner country and recommends that the Commission not engage with any country where there is no legal framework in place to protect basic human and social rights; reaffirms the need to have an open dialogue, freedom of speech – including freedom of religious belief – and freedom of the press in any country concerned by a VPAs, so that any potential complaints are heard;

17. Asks the Commission to produce and present to the Parliament, on a regular basis, a progress report on the implementation of the various provisions of all current and future VPAs;

18. Expects more VPAs to be signed in the coming years needing specific and additional funding for the development of technical and human resources; asks the Commission and the EU Member States to specify which funds will be used to support the negotiation and implementation of these agreements;

#### ***Role of the European Parliament***

19. Calls on the Commission to report to Parliament on progress in negotiating and implementing current and future VPAs and to keep Parliament informed in good time about the work of the Joint Agreement Implementation Committee, the mission and audit reports of the agreement's independent auditor, the reports assessing the implementation of the agreement – including the studies of its social, economic and environmental impact – and listings of names of companies to whom concessions are granted;

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20. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and any government concerned by a VPA.

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Wednesday 19 January 2011

**Interim Partnership Agreement between the EC and the Pacific States**

P7\_TA(2011)0011

**European Parliament resolution of 19 January 2011 on the Interim Partnership Agreement between the EC and the Pacific States**

(2012/C 136 E/04)

*The European Parliament,*

- having regard to its resolutions of 25 September 2003 on the Fifth Ministerial Conference of the World Trade Organisation in Cancun <sup>(1)</sup>, of 12 May 2005 on the assessment of the Doha Round following the WTO General Council Decision of 1 August 2004 <sup>(2)</sup>, of 1 December 2005 on preparations for the sixth Ministerial Conference of the World Trade Organisation in Hong Kong <sup>(3)</sup>, of 23 March 2006 on the development impact of Economic Partnership Agreements (EPAs) <sup>(4)</sup>, of 4 April 2006 on the assessment of the Doha Round following the WTO Ministerial Conference in Hong Kong <sup>(5)</sup>, of 1 June 2006 'on trade and poverty: designing trade policies to maximise trade's contribution to poverty relief' <sup>(6)</sup>, of 7 September 2006 on the suspension of negotiations on the Doha Development Agenda <sup>(7)</sup>, of 23 May 2007 on Economic Partnership Agreements <sup>(8)</sup>, of 12 December 2007 on Economic Partnership Agreements <sup>(9)</sup>, its position of 5 June 2008 on the proposal for a Council regulation applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011 and amending Regulations (EC) No 552/97, (EC) No 1933/2006 and Commission Regulations (EC) No 964/2007 and (EC) No 1100/2006 <sup>(10)</sup> and its resolution of 25 March 2009 on the Interim Partnership Agreement between the Pacific States, on the one part, and the European Community, on the other part <sup>(11)</sup>,
- having regard to the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part,
- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States (ACP), of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (the Cotonou Agreement),
- having regard to Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements <sup>(12)</sup>,
- having regard to the Commission communication of 23 October 2007 on Economic Partnership Agreements (COM(2007)0635),
- having regard to the General Agreement on Tariffs and Trade (GATT), in particular Article XXIV thereof,
- having regard to the Ministerial Declaration of the Fourth Session of the WTO Ministerial Conference, adopted in Doha on 14 November 2001,

<sup>(1)</sup> OJ C 77 E, 26.3.2004, p. 393.

<sup>(2)</sup> OJ C 92 E, 20.4.2006, p. 397.

<sup>(3)</sup> OJ C 285 E, 22.11.2006, p. 126.

<sup>(4)</sup> OJ C 292 E, 1.12.2006, p. 121.

<sup>(5)</sup> OJ C 293 E, 2.12.2006, p. 155.

<sup>(6)</sup> OJ C 298 E, 8.12.2006, p. 261.

<sup>(7)</sup> OJ C 305 E, 14.12.2006, p. 244.

<sup>(8)</sup> OJ C 102 E, 24.4.2008, p. 301.

<sup>(9)</sup> OJ C 323 E, 18.12.2008, p. 361.

<sup>(10)</sup> OJ C 285 E, 26.11.2009, p. 126.

<sup>(11)</sup> OJ C 117 E, 6.5.2010, p. 118.

<sup>(12)</sup> OJ L 348, 31.12.2007, p. 1.

Wednesday 19 January 2011

- having regard to the Ministerial Declaration of the Sixth Session of the WTO Ministerial Conference, adopted in Hong Kong on 18 December 2005,
  - having regard to the report and recommendations of the Task Force on Aid for Trade, adopted by the WTO General Council on 10 October 2006,
  - having regard to the United Nations Millennium Declaration of 8 September 2000, which sets out the Millennium Development Goals (MDGs) as criteria collectively established by the international community for the elimination of poverty,
  - having regard to the Kigali Declaration adopted by the ACP-EU Joint Parliamentary Assembly in Kigali, Rwanda, on 22 November 2007,
  - having regard to its resolution of 14 December 2006 on the situation in Fiji <sup>(1)</sup>, in which it strongly condemned the take-over of power by the Fijian military forces,
  - having regard to a catalogue of 103 recommendations from the United Nations Human Rights Council, issued in the report of 23 March 2010 of the Working Group on the Universal Periodic Review, and having regard to the official response of the Government of Fiji of 10 June 2010 stating that the long-demanded and often-postponed general elections had now been scheduled for 2014 and that this date would not be negotiable,
  - having regard to the question of 16 December 2010 to the Commission on the conclusion of the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part (O-0212/2010 – B7-0807/2010),
  - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas the EU's previous trade relationship with the ACP countries – which gave the latter preferential access to EU markets on a non-reciprocal basis – ceased to comply with WTO rules as of 1 January 2008,
- B. whereas EPAs are WTO-compatible agreements aimed at supporting regional integration and promoting the gradual integration of the ACP economies into the world economy, thereby fostering the sustainable social and economic development of those countries and contributing to the overall effort to eradicate poverty there,
- C. whereas EPAs should be used to build a long-term relationship in which trade supports development,
- D. whereas the Sugar Protocol under the successive Lomé Conventions and the Cotonou Agreement provided a predictable income for small Pacific islands, which have limited potential for diversification in the agriculture sector,
- E. whereas interim EPAs (IEPAs) are agreements on trade in goods aimed at preventing the disruption of ACP trade with the EU,
- F. whereas the current financial and economic crisis means that trade policy is more important than ever to the developing world,
- G. whereas, of the ACP Pacific states, to date only Papua New Guinea and the Republic of Fiji Islands have signed an IEPA (at the end of 2009); whereas the other ACP Pacific states are all covered either by the Everything But Arms initiative, which offers duty-free, quota-free access to the EU market, or by the EU's regular Generalised System of Preferences,

<sup>(1)</sup> OJ C 317 E, 23.12.2006, p. 898.



Wednesday 19 January 2011

- H. whereas, in the case of Papua New Guinea, the agreement has provisionally applied since 20 December 2009; whereas, in the case of the Republic of the Fiji Islands, its application is pending notification by the Republic of the Fiji Islands of either provisional application or ratification,
  - I. whereas negotiations with all 14 ACP Pacific states on a comprehensive EPA are ongoing,
  - J. whereas the IEPA incorporates all the major provisions of a trade in goods agreement,
  - K. whereas the impact on the countries concerned and on the Pacific region of the commitments included in the agreement could be very substantial,
  - L. whereas the IEPA will have an influence on the scope and content of future agreements concluded between Papua New Guinea and the Republic of the Fiji Islands and other trading partners, and on the region's stance in the EPA negotiations,
  - M. whereas there is limited competition between the EU and the Pacific states, since the vast majority of EU exports consist mainly of goods that the Pacific states do not produce but often need, either for direct consumption or as inputs for domestic industry,
  - N. whereas fisheries and fisheries-related activities and industries show significant potential for future export increase, provided fisheries are conducted in an environmentally sustainable manner,
  - O. whereas new trade rules must be devised with the aim of supporting the development of domestic industries and sheltering them from resource depletion and climate change, and whereas these rules must be accompanied by increased support for trade-related assistance,
  - P. whereas the objective of Aid for Trade is to strengthen developing countries' capacity to take advantage of new trade opportunities,
  - Q. whereas the EU and the ACP countries have negotiated new, improved and more flexible rules of origin which will bring considerable benefits if implemented appropriately, in full accordance with the purpose of the agreement and with due regard for the reduced capacity levels of those countries,
  - R. whereas the derogation from the rules of origin in the interim EPA covers the entire production chain, from extraction of raw materials to processing, marketing and export,
  - S. whereas the high demand for tuna products means the latter have specific characteristics – such as responding rapidly to price variations – which have led them to be classified on the international market as 'sensitive products', something that needs to be taken into account in all trade negotiations,
  - T. whereas the Western and Central Pacific Fisheries Commission (WCPFC), the international organisation responsible for making sure that fish stocks in the area are sustainable, has reported that third countries – in particular China – which have been investing in large-scale industrial projects in Papua New Guinea since the establishment of the new rules of origin have massively increased their fishing capacity in the area, and that this is set to continue, increasing the risk of over-exploitation of fish stocks,
1. Believes that trade relations between this region and the EU should promote and increase trade, sustainable development and regional integration, while promoting economic diversification and poverty reduction; points out that the IEPA must contribute to the achievement of the MDGs;

Wednesday 19 January 2011

2. Stresses that the positive outcome of the IEPA negotiations with Papua New Guinea and Fiji shows that the EU has a strong interest in continuing to maintain close, high-level economic relations with the Pacific states; hopes that this IEPA – now limited to two countries – may pave the way for a broader agreement that includes other countries in the Pacific area;
3. Stresses that the IEPA is aimed at keeping the market open for exports from Papua New Guinea and the Republic of the Fiji Islands and allowing negotiations on a comprehensive EPA if so desired by the states concerned;
4. Points out that Papua New Guinea and the Republic of the Fiji Islands – the two Pacific ACP countries with any significant exports to the EU – are the only members of the Pacific regional grouping to have entered into the agreement so far, with other members of that grouping choosing not to sign because of their lower levels of trade in goods with the EU;
5. Recalls that, whilst the IEPA can be regarded as a first step in the process, in legal terms it is a completely independent international agreement that may not automatically lead either to a full EPA or to all the initial signatories of the IEPA signing the full EPA;
6. Reminds the EU institutions and governments that neither the conclusion nor the renunciation of an EPA should lead to a situation in which an ACP country finds itself in a position less favourable than the one it was in under the trade provisions of the Cotonou Agreement;
7. Stresses that Parliament's possible consent to an IEPA does not predetermine its position on consent to a comprehensive EPA, since the conclusion procedure relates to two different international agreements;
8. Recalls that a genuine regional market is an essential basis for successfully implementing the IEPA – and, similarly, any future full EPA – and that regional integration and cooperation are essential for the social and economic development of the Pacific states; believes that this must be taken into account in the context of implementation;
9. Stresses that the purpose of the specific provisions on rules of origin for fisheries products is to develop onshore fish processing capacity in the ACP Pacific states, so as to generate local employment and income;
10. Points out that the interim EPA has paved the way for the development in Papua New Guinea of industrial projects such as the Pacific Marine Industrial Zone in Madang, which is expected to produce more than 400 000 tonnes of canned tuna over two years;
11. Is concerned and alarmed, in this context, by measures such as the Papua New Guinea authorities' recent review of environmental legislation, which in practice waives the requirement to submit environmental reports for such projects and hinders the claims process;
12. Highlights the importance of the fisheries industry as a primary source of employment for women in the Pacific region; believes that the Commission should provide technical, political and financial assistance in order to improve employment opportunities for women in the Pacific states;
13. Notes with concern that WCPFC data show that third countries have increased their fishing capacity in these Pacific waters, and that there is therefore a risk of illegal, unreported and unregulated (IUU) fishing and over-fishing, which are not conducive to the sustainable development of the local fisheries industry;
14. Stresses that even though Papua New Guinea and Fiji have limited fishing capacity and therefore a limited supply of wholly obtained fish and limited on-land processing capacity, the derogation from the rules of origin for processed fishery products, which is being actively used by Papua New Guinea, has turned that country into a genuine hub for the processing of huge quantities of tuna from a variety of sources (including the Philippines, Thailand, China, the United States and Australia); draws attention to the fact that the derogation from the rules of origin may have a destabilising effect on the EU's fish processing and canning industry;

Wednesday 19 January 2011

15. Calls on the Commission to present to Parliament as soon as possible a report on these specific aspects of the Pacific states' fisheries sector and on the management of fish stocks in the Pacific, including sustainable development practices; calls on the Commission to initiate without delay the consultations provided for in Article 6(6)(d) of Protocol II annexed to the IEPA, and to enact the suspension of the exceptional arrangements regarding the rules of origin in the event that the assessment report demonstrates a destabilising effect on the EU's fish processing and canning industry;

16. Points out that such a report on the implementation of the special rules of origin must be prepared in the course of 2011, i.e. three years after notification to Papua New Guinea of the adoption of the rules in Regulation (EC) No 1528/2007, and that it should look at the economic, social and environmental impact of the global sourcing derogation on the population of Papua New Guinea, particularly coastal communities; in that connection, asks for immediate information about the terms of reference of this report and as to whether all stakeholders and affected parties, including civil society organisations in Papua New Guinea, will be consulted in the run-up to the report;

17. Encourages Fiji to take on board the recommendations of the international community and to implement good governance practices; believes that such steps should result in the release of financial assistance for the sugar sector in Fiji; recognises that this money is badly needed in order to support the sugar sector, which is a key source of employment in Fiji;

18. Stresses that any regional EPA should be made contingent on approval by all the relevant political groupings in the Republic of the Fiji Islands of a roadmap to democratic elections;

19. Recommends a flexible, asymmetric and pragmatic approach to the ongoing negotiations on a comprehensive EPA; insists upon the inclusion of a development cooperation chapter in the comprehensive EPA;

20. Points out that the agreement may also have implications for relations between the Pacific region and its closest and largest trading partners, Australia and New Zealand, and that it must be ensured that the stipulations of the current agreement do not act as an impediment to future trade agreements with those countries;

21. Recalls that the EPA must be supportive of the development objectives, policies and priorities of the Pacific states, not only in its structure and content, but also in the manner and spirit of its implementation;

22. Recalls the adoption, in October 2007, of the EU Strategy on Aid for Trade, with a commitment to increase collective EU trade-related assistance to EUR 2 billion annually by 2010 (EUR 1 billion from the Community, and EUR 1 billion from the Member States); insists that the Pacific region receive an appropriate and equitable share of this assistance;

23. Calls for early determination and provision of the Pacific region's share of the Aid for Trade resources; stresses that these funds should be additional resources, and not merely a repackaging of EDF funding, that they should be in keeping with the priorities of Papua New Guinea and the Republic of the Fiji Islands, as well as those of the wider Pacific region, and that their disbursement should be timely, predictable and in line with the execution schedules of national and regional strategic development plans;

24. Calls on the Commission, in view of the commitments made by the Council in September 2007 in connection with the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS) Agreement and access to medicines, not to negotiate pharmaceutical-related TRIPS-plus provisions affecting public health and access to medicines in the EPA, to refrain from requesting adherence to or acceptance of the obligations of the Patent Cooperation Treaty and the Patent Law Treaty, to refrain from incorporating the terms of Directive 2004/48/EC<sup>(1)</sup>, and not to introduce disciplines such as non-original database protection into the EPA;

<sup>(1)</sup> OJ L 157, 30.4.2004, p. 45.

Wednesday 19 January 2011

25. Expresses its continued support for a comprehensive EPA between the EU and the Pacific states; agrees that the key issues that must be negotiated include:

- (a) intellectual property rights, encompassing traditional knowledge as well as western technological artefacts;
- (b) transparency of government procurement, with openness to EU contractors triggered at a point appropriate to the needs of the Pacific states;
- (c) working visas, which must be made available to Pacific Island nationals for periods of at least 24 months to enable them to work as 'carers' or in similar professions;

26. Requests, nevertheless, that the Commission continue to work for a more comprehensive agreement and to seek possible alternatives that are accessible and viable and which guarantee market access in accordance with WTO rules, making creative use of all the flexibility available under those rules, including waivers, for those countries not wishing to commit to one or both of the IEPA and the full EPA;

27. Takes the view that, under the comprehensive EPA, a parliamentary committee should be established to monitor the implementation of the agreement, and that the composition of this committee on the EP side should be in line with that of the Cariforum-EU Joint Parliamentary Committee;

28. Stresses that both the IEPA and the comprehensive EPA should incorporate a review clause envisaging an independent global impact assessment that includes the economic, social and environmental impact and the costs and consequences of implementation, which should be carried out within three to five years of the signature of the agreement; stresses that the review clause of the IEPA – and, subsequently, that of the EPA – should contain the provision that all signatories are entitled to invoke it on the basis of the aforementioned impact assessment; requests that the European Parliament and the parliaments of the Pacific states be involved in any review of the agreement;

29. Supports, in this context, the Commission's commitment to ensuring that this blanket derogation from the rules of origin is the exception rather than the rule in future EPAs;

30. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and of the ACP countries, the ACP-EU Council and the ACP-EU Joint Parliamentary Assembly.

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## International adoption in the European Union

P7\_TA(2011)0013

### European Parliament resolution of 19 January 2011 on international adoption in the European Union

(2012/C 136 E/05)

*The European Parliament,*

— having regard to the United Nations Convention on the Rights of the Child, adopted by the UN General Assembly on 20 November 1989, and in particular Article 21 thereof,

— having regard to the 1967 European Convention on the Adoption of Children,

Wednesday 19 January 2011

- having regard to the Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption (signed at The Hague on 29 May 1993) and to the European Convention of 25 January 1996 on the Exercise of Children's Rights (ETS No 160),
  - having regard to Article 24 of the Charter of Fundamental Rights of the European Union,
  - having regard to Article 3(3) and (5) of the Treaty on European Union,
  - having regard to its resolution of 12 December 1996 on improving the law and cooperation between the Member States on the adoption of minors <sup>(1)</sup>,
  - having regard to its resolution 16 January 2008: Towards an EU strategy on the rights of the child <sup>(2)</sup>,
  - having regard to Rules 115(5) and 110(4) of its Rules of Procedure,
- A. whereas the welfare of every child and safeguarding children's best interests is of the utmost importance, and whereas the protection of children's rights is a European Union objective,
- B. whereas in the field of adoption competence is exercised by the Member States, which implement the relevant procedures in accordance with the best interests of the child,
- C. whereas there are conventions in force which deal with child protection and parental responsibilities, in particular the 1967 European Convention on the Adoption of Children, which seeks to approximate the laws of the Member States in cases where adoption involves moving the child from one country to another, and the 1993 Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption (the Hague Convention),
- D. whereas all the EU Member States are signatories to the Hague Convention,
- E. whereas considerable progress has been made as a result of the Hague Convention,
- F. whereas the United Nations Convention on the Rights of the Child and the Hague Convention describe the family as the fundamental group of society, as the natural environment for the growth and well-being of children in the vast majority of cases, and as the primary choice as regards care of children,
- G. whereas if primary care of children by the family is unavailable, adoption should be one of the natural secondary choices, whilst placing a child in institutional care should be the very last option,
- H. whereas in Europe the problem of precarious childhood, and in particular that of abandoned and institutionalised children, is a significant one and should be treated with the utmost seriousness,
- I. whereas violations of the rights of children, violence against them and child trafficking for adoption, prostitution, illegal labour, forced marriage, and begging on the streets or for any other illegal purpose, remain a problem in the EU,
- J. whereas it is important to protect the right of a child to a family life and to ensure that children are not forced to live for long periods in orphanages,
- K. whereas, following the entry into force of the Lisbon Treaty, the European Charter of Fundamental Rights has become binding; whereas, according to Article 24 of the Charter, 'children shall have the right to such protection and care as is necessary for their well-being'; and whereas, furthermore, Article 3 of the Lisbon Treaty states that the 'protection of the rights of the child' is a Union objective,

<sup>(1)</sup> OJ C 20, 20.1.1997, p. 176.

<sup>(2)</sup> OJ C 41 E, 19.2.2009, p. 24.

Wednesday 19 January 2011

1. Calls for consideration to be given to the possibility of coordinating at European level strategies concerning the instrument of international adoption, in accordance with international conventions, in order to improve assistance in the areas of information services, preparation for inter-country adoption, the processing of applications for international adoption and post-adoption services, bearing in mind that all international conventions relating to the protection of the rights of the child recognise the right of orphaned or abandoned children to have a family and to be protected;
  2. Calls on the Commission to consider the functioning of national systems at European level;
  3. Considers that priority should be given, whenever possible and in the child's best interests, to adoption in the child's country of origin, with possible alternatives being a family-care solution, such as foster or residential care, or finding a family through international adoption, in accordance with relevant national legislation and international conventions, and that placement in an institution should be used only as a temporary solution;
  4. Emphasises that the national legislation of the country of origin of the family seeking a child for international adoption must apply when it comes to children's rights protection in the long term;
  5. Urges the Member States and the Commission, in cooperation with the Hague Conference, the Council of Europe and children's organisations, to develop a framework to ensure transparency and effective assessment of trends concerning abandoned and adopted children, including those who have undergone international adoption, and to coordinate their actions in an effort to prevent child trafficking for adoption;
  6. Calls on all the EU institutions to play a more active role at the Hague Conference in order to exert pressure on the Conference to improve, streamline and facilitate international adoption procedures and to eliminate unnecessary bureaucracy, whilst committing themselves to safeguarding the rights of children from third countries;
  7. Calls on the competent national authorities to report periodically to the Member State of origin on the development of a child who has undergone international adoption;
  8. Calls on the Member States to recognise the psychological, emotional, physical and social/ educational implications of removing a child from his or her place of origin and to offer appropriate assistance to the adoptive parents and the adopted child;
  9. Urges the Member States to pay particular attention to children with special needs, such as children who require medical care and disabled children;
  10. Recognises that procedural safeguards and proper scrutiny of all the adoption documents, including birth certificates, help to protect a child against violations of his or her rights stemming from doubts over age or identity; believes that a reliable system of birth registration can prevent child trafficking for adoption, and calls for consideration to be given to legal solutions to facilitate the mutual recognition of the documents necessary for adoption;
  11. Calls on the EU institutions and the Member States to participate actively in the fight against child trafficking for adoption;
  12. Instructs its President to forward this resolution to the President of the European Council, the Council, the Commission, the Hague Conference and the government and parliaments of the Member States.
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Wednesday 19 January 2011

**Stabilisation and Association Agreement between the EC and Serbia**

P7\_TA(2011)0014

**European Parliament resolution of 19 January 2011 on the European integration process of Serbia**

(2012/C 136 E/06)

*The European Parliament,*

- having regard to the Stabilisation and Association Agreement between the European Communities and their Member States and the Republic of Serbia, which is in the process of ratification by Member States and the European Parliament, and the Interim Agreement on trade and trade-related matters between the European Community and the Republic of Serbia, which entered into force on 1 February 2010,
- having regard to the Council Conclusions of 25 October 2010 inviting the Commission to prepare its opinion on Serbia's application for membership of the European Union and to the Council Conclusions of 14 June 2010,
- having regard to UN Security Council Resolution 1244 (1999), to the ICJ Advisory Opinion of 22 July 2010 on the question of the accordance with international law of the unilateral declaration of independence in respect of Kosovo, and to the UN General Assembly Resolution of 9 September 2010, which acknowledged the content of the opinion and welcomed the readiness of the EU to facilitate the dialogue between Belgrade and Pristina <sup>(1)</sup>,
- having regard to Council Decision 2008/213/EC of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Serbia and repealing Decision 2006/56/EC <sup>(2)</sup>,
- having regard to the Commission's 2010 Progress Report on Serbia <sup>(3)</sup> and the Commission communication of 9 November 2010 entitled 'Enlargement Strategy and Main Challenges 2010-2011' <sup>(4)</sup>,
- having regard to the joint statement by the EU-Serbia Inter-Parliamentary Assembly of 4-5 October 2010,
- having regard to the EU-Serbia readmission agreement of 8 November 2007 <sup>(5)</sup> and to Council Regulation (EC) No 1244/2009 of 30 November 2009 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement <sup>(6)</sup>,
- having regard to its recommendation to the Council of 25 October 2007 on relations between the European Union and Serbia <sup>(7)</sup> and to its resolution of 26 November 2009 on the Commission's 2009 enlargement strategy paper concerning the Western Balkan countries, Iceland and Turkey <sup>(8)</sup>,
- having regard to the reports of the Chief Prosecutor of the ICTY presented to the UN Security Council on 18 June 2010 and 6 December 2010,
- having regard to the Statement of the HR/VP Catherine Ashton of 8 September 2010 on the next steps at the UN concerning the advisory opinion on Kosovo,
- having regard to Rule 110(2) of its Rules of Procedure,

<sup>(1)</sup> A/RES/64/298.

<sup>(2)</sup> OJ L 80, 19.3.2008, p. 46.

<sup>(3)</sup> SEC(2010)1330.

<sup>(4)</sup> COM(2010)0660.

<sup>(5)</sup> OJ L 334, 19.12.2007, p. 46.

<sup>(6)</sup> OJ L 336, 18.12.2009, p. 1.

<sup>(7)</sup> OJ C 263 E, 16.10.2008, p. 626.

<sup>(8)</sup> OJ C 285 E, 21.10.2010, p. 47.



Wednesday 19 January 2011

- A. whereas in the Presidency Conclusions issued following the Thessaloniki European Council of 19 and 20 June 2003 a commitment was made to all the Western Balkan states that they would join the European Union once they meet the established criteria and this commitment was reiterated in the renewed consensus on enlargement approved by the European Council on 14 and 15 December 2006 and the Council Conclusions of 25 October 2010 on Serbia,
  - B. whereas the pace of integration into the EU of the Western Balkan countries is individual and depends on the merits of each one of them with regard, in particular, to the determination to satisfy all the requirements, meet all the obligations, carry out the reforms and adopt the necessary measures that EU membership implies,
  - C. whereas constructive approaches towards regional cooperation and good-neighbourly relations are key elements of the Stabilisation and Association Process; whereas they play a decisive role in the process of transformation of the Western Balkans into an area of long-standing stability and sustainable development,
  - D. whereas Serbia is in a position to become an important player in guaranteeing security and stability in the region,
  - E. whereas the EU itself is based on principles such as reconciliation, compromise and peaceful coexistence; whereas the EU policy in the Western Balkans follows the same aims in order to improve relations between the peoples of the region; whereas, in line with this policy, the EU condemns all war crimes that took place in the former Yugoslavia and supports the work of ICTY and of the local War Crimes Chambers in their effort to ensure justice and accountability,
- 1. Reaffirms that Serbia's future lies in the EU, and encourages the country to continue its efforts towards this aim; commends Serbia on the progress achieved in the reform process; welcomes the decision to open the ratification procedure of the Stabilisation and Association Agreement with Serbia taken by the Council on 14 June 2010 and the fact that 11 Member States have already ratified the Agreement; calls on the remaining Member States to swiftly proceed with the ratification procedure;
  - 2. Welcomes Serbia's application for membership of the European Union, submitted on 22 December 2009, and the decision taken by the Council of Ministers on 25 October 2010 to ask the Commission to examine Serbia's application; takes the view that the Council's decision gives a positive signal to Serbia and encourages it to step up the reforms needed in order to comply with the Copenhagen criteria; underlines that the Council decision represents an important contribution to the stability of the Western Balkans; calls on the Commission to prepare its opinion on the subject, according to the procedure laid down in Article 49 of the Treaty on European Union;
  - 3. Welcomes the Council decision on the liberalisation of the visa regime, which allows Serbian citizens to travel visa-free to the Schengen Area as of 19 December 2009; welcomes the decision of the Serbian Government to allow EU citizens to travel to Serbia with ID cards and calls for further initiatives to facilitate people-to-people contacts and mobility of persons in the Western Balkan region; calls on the Serbian authorities to adopt adequate measures and make full efforts in order to limit possibilities to abuse the visa-free regime, in particular to ensure that Serbian citizens are properly informed about their rights and obligations stemming from the visa-free regime;
  - 4. Notes with satisfaction that IPA assistance works well in Serbia; encourages both the government and the EU to simplify the administrative procedures for IPA funding with the aim of making it more accessible to smaller and non-centralised beneficiaries; stresses the need to maintain an adequate level of pre-accession support in the forthcoming review of the EU's financial framework;
  - 5. Welcomes the joint EU-Serbia resolution on the advisory opinion of the International Court of Justice on Accordance with International Law of the Unilateral Declaration of Independence of Kosovo, adopted by acclamation by the UN General Assembly on 9 September 2010; welcomes the Serbian Government's willingness to engage in renewed dialogue with Kosovo within an EU framework and calls for the talks to start without delay; calls on Serbia to enter into dialogue with Kosovo without any longer referring to

Wednesday 19 January 2011

new negotiations on its status; expresses its confidence that a step-by-step approach can be employed to the benefit of all citizens of Kosovo; underlines that the dialogue, in order to be successful, will require commitment and readiness to compromise from both sides in view of their common European future and their common interest in establishing long-term peace and stability in the region and improving people's wellbeing; stresses that the ability to facilitate this process constitutes a test for the EU's credibility and political vision for the whole region; recalls that good-neighbourly relations are one of the most important conditions for all the Western Balkan countries to progress towards EU membership;

6. Welcomes the improved cooperation with EULEX but underlines the need for further efforts to this end, in particular to improve the exchange of information; calls on the Serbian authorities to facilitate the cooperation of EULEX with the Kosovo Serbs in its efforts to implement the rule of law in the north of Kosovo;

7. Urges the Serbian Government to dismantle Serbian parallel structures in Kosovo that undermine the decentralisation process and prevent the full integration of the Serbian community into the Kosovo institutions; calls, in this regard, on the Serbian authorities to play a constructive role with regard to the setting-up and functioning of the municipal institutions in Serbian multiethnic municipalities both north and south of the Ibar river;

8. Calls on the Serbian authorities to adopt a constructive attitude towards the forthcoming general elections in Kosovo; points out that stable and multiethnic institutions in Kosovo are in the interest of both Serbia and the other neighbouring countries and considers, in this regard, the participation of Kosovo Serbs in the electoral process an indispensable element aimed at preventing the Kosovo Serbian community from being marginalised;

9. Notes the efforts of both Serbia and Kosovo to locate persons missing since the 1998-1999 conflict through the 'Working Group on Persons Who Are Unaccounted For In Connection With Events In Kosovo'; underlines the significance of the resolution of this issue in moving forward from the 1998-1999 conflict; further notes the approximately 1862 cases of persons still missing and calls on both Serbia and Kosovo to extend all possible cooperation to each other, the ICRC, EULEX and other entities in searching for these persons;

10. Underlines that the development of regional cooperation remains a key priority for the EU and is intended as a catalyst for reconciliation, good-neighbourliness and enhancing people-to-people contacts in the Western Balkans; calls, therefore, on Serbia to follow a constructive approach towards more inclusive regional cooperation, making it possible to find a practical and sustainable solution to the representation of Kosovo in regional fora; welcomes, therefore, the EU-Western Balkans High Level Meeting held in Sarajevo on 2 June 2010;

11. Recalls that full cooperation with ICTY is a fundamental condition for Serbia to progress on the path to EU membership; notes that Serbia continues to respond adequately to ICTY requests for assistance and calls on the Serbian Government to continue working closely with the Court, including swift transmission of all requested documents and timely completion of cases transferred back from ICTY; points out, however, the most recent assessment by the ICTY Chief Prosecutor that Serbia's efforts to apprehend the two remaining fugitives continue to be problematic; underlines that only apprehension and extradition of the fugitives to The Hague can be deemed the most convincing evidence of full cooperation and calls for more systematic efforts to arrest them so that the mandate of the Court can be finally fulfilled; in particular, urges a re-evaluation of the current approach, in line with the ICTY recommendations; emphasises that Serbia can only gain candidate status and/or open accession negotiations with the EU if the ICTY Office of the Prosecutor assesses that it has offered full cooperation;

12. Welcomes the resolution on Srebrenica adopted by the Serbian Parliament as a significant step in the process of raising awareness of the atrocities that happened in the recent past and of regional reconciliation; commends the decision of President Tadić to participate in the commemoration of the 15th anniversary of the genocide in Srebrenica as a further step in this direction, as well as his visit to Vukovar, where he paid his respects and apologised to the victims of the massacre at Ovčara in 1991, giving a new impetus to the development of good-neighbourly relations between Serbia and Croatia; welcomes the commitment and professionalism of the Office of the Special Prosecutor for War Crimes, including the swift reaction with regard to the Lake Perućac investigation;

Wednesday 19 January 2011

13. Notes the reform of the judiciary and calls for further energetic efforts in order to ensure the independence and impartiality of judges and to improve the efficiency of the work of the courts; welcomes the political decision to start the reappointment procedure of judges but underlines that it should be carried out in a transparent manner, guaranteeing the right of non-reappointed judges to effectively appeal against such decisions, and warns against the politicisation of this process; draws attention to the delays in adopting the relevant legislation and calls on the government to swiftly send the remaining draft laws to the parliament; calls for complete transparency in the administration of justice; moreover, calls for further financial and administrative resources to be assigned to the courts, including the Constitutional Court, in order to improve their functioning and to eliminate the backlog of cases; in this connection, considers that the restitution of property to its former owners should enjoy considerable priority; stresses that the presumption of innocence is one of the central legal instruments ensuring the rule of law; calls on the authorities and particularly the executive branch to strictly adhere to this principle;

14. Recalls that the efforts to uphold the rule of law should constitute the utmost priority of the authorities; welcomes the progress in the fight against corruption, manifested inter alia by the recent high-profile prosecutions and by the establishment of the appropriate legal framework, as well as by the launching of the activities of the Anti-Corruption Agency in January 2010, but underlines that corruption is still prevalent in the country and calls for more efforts to eradicate it; notes in particular the role played by trafficking and the negative consequences of this and other forms of illicit activities in sustaining criminal networks; draws attention to the practice of holding double offices, which presents a serious risk of conflicts of interests and which should be addressed as a matter of priority; in this connection, is concerned about the recent changes to the Law on the Anti-Corruption Agency, which tend in the opposite direction, and notes the Agency's referral to the Constitutional Court of the constitutionality of this provision; calls on the authorities to give all necessary political and administrative support to the activities of the Anti-Corruption Agency and underlines the need to swiftly investigate the cases of corruption reported by the Agency; calls for the adoption of the amendments to the Law on the Financing of Political Parties in order to ensure full transparency and an efficient system for monitoring party financing; encourages the authorities to adopt legislation providing effective protection of whistleblowers; stresses the importance of the restitution of property as an important step in administering justice; stresses the importance of following established procedures rigorously in order to strengthen society's trust in the impartiality of the administration of justice;

15. Welcomes the progress in the reform of public administration; stresses that more efforts should be put into the creation of an independent civil service, to this end calls for the introduction of a merit-based career system, including a professional and transparent hiring process and effective human resources management, and draws attention, in this context, to the detrimental practice of hiring staff in ways which do not accord with the Law on Civil Servants, often on the basis of political connections; draws attention to the underrepresentation of national minorities in public administration and the courts, as well as in state-owned companies; draws attention to the continuous need for capacity-building of the administration, at both national and local level, calls for further strengthening of capacity and coordination of public administration in the field of EU integration and calls on the Commission to continue to assist the authorities to this end, in coordination with other donors;

16. Welcomes the progress in the police reform and increasing cooperation in the police field with the neighbouring and EU countries; welcomes, in particular, the agreement on police cooperation with Croatia, Montenegro and Bosnia and Herzegovina; welcomes the signing of a roadmap for cooperation with Europol with a view to the conclusion of an operational agreement with this EU law enforcement agency; stresses, however, that enhanced efforts are needed in order to meet the challenges of the roadmap, particularly in areas related to the protection of personal data and classified data, key elements also for the conclusion of a cooperation agreement with Eurojust;

17. Draws attention to the cases of improper police conduct, including instances in which authority was exceeded and violence by police officers towards citizens, and calls for further energetic efforts to be made in order to punish the offenders; to this end, welcomes the cooperation of the police with independent oversight authorities and the implementation of their findings; regards the neutrality of police forces and other law enforcement bodies when dealing with members of all minorities as enjoying the highest priority and calls on the authorities to improve sensitivity training in this field; welcomes the efforts to increase the participation of women in the police force;

Wednesday 19 January 2011

18. Welcomes the efforts made to date to eliminate the legacy of the activities of the security services in the past; points out, in this regard, the necessity of further reform in the security sector, particularly lustration and an increase in parliamentary oversight and control of the security services; reminds the authorities that making secret services' archives available to the public is necessary for successful regional reconciliation, particularly with regard to atrocities that took place during the Second World War and afterwards; draws attention to the insufficient protection of privacy rights, and calls for further reforms in this respect;

19. Welcomes the improved coordination between the police and prosecutors, which is bringing results in combating organised crime and drugs trafficking, which present common challenges for the EU and Serbia; notes the signature of cooperation memoranda with Latin American countries with the aim of dealing more effectively with the overseas drugs trade; calls for further efforts to improve internal police and judicial capabilities, underlining that drug trafficking from and through Serbia remains of concern for the EU;

20. Recalls the importance of a properly functioning parliament as a vital institution in the democratic system and welcomes the procedural innovations brought about by the adoption of the new Law on the National Assembly; calls for immediate abolition of the unconstitutional practice of 'blank mandates', which allows the political parties to control the activities of members of parliament; furthermore, calls for a halt to the arbitrary allocation of seats in the parliament; calls on the political parties to introduce appropriate provisions in line with European democratic standards at the earliest possible date, certainly within the lifetime of the present parliamentary cycle; welcomes the adoption of the new parliament's Rules of Procedure, calls for strengthening of the oversight of the government's activities and commends the formal introduction of the public hearings to this end in the Rules of Procedure; welcomes the fact that for the first time provisions allowing oversight of independent bodies have been included in the Rules of Procedure but raises concerns regarding the parliament's possible interference in the work of these bodies; calls for the drafting of new provisions in line with the recommendations of the Venice Commission that set the legal framework for these bodies to carry out their work independently;

21. Commends the work carried out by the Ombudsman in protection of the rights of citizens with regard to the proper functioning of state institutions, including action in support of children and minority rights, both at state and provincial levels; calls on the state authorities to facilitate these efforts and to ensure adequate follow-up to the Ombudsman's recommendations; welcomes the establishment of three local offices of the Ombudsman in the municipalities of Preševo, Bujanovac and Medvedja;

22. Recalls the utmost importance of strong and independent media for democracy and calls for steps to be taken to ensure their independence from political pressures and other influence; welcomes the efforts of the Serbian Government to establish a legal framework guaranteeing freedom of speech but expresses concern regarding attempts to control and interfere in the media sector; is concerned about the controversies surrounding the privatisation of the 'Večernje novosti' daily and calls on the government to secure equal treatment of all foreign and domestic investors; condemns the attacks on and threats directed against Serbian journalists and calls on the authorities to fully investigate them and bring perpetrators to justice; draws attention to the concentration of ownership and lack of transparency in the media sector; draws attention to the cases of publication of personal data and underlines the need for self-regulation by journalists and respect for the Code of Ethics; notes that the level of internet access remains low, recognises the importance of the internet in media freedom and urges the authorities to take positive steps in this field;

23. Underlines the importance of the decentralisation process in improving the functioning of the state by bringing it closer to the citizens, while at the same time respecting their right to provincial autonomy and local self-government; in this context, welcomes the adoption of the Law on National Minority Councils, which regulates the competences and the election of national minority councils in a way that is in line with international standards; recognises the progress in the implementation of the November 2006 Constitution through the adoption of the Statute and the Law on the competencies of Vojvodina; calls for the process of devolution of power to be continued by the adoption of the Law on public incomes and by the Law on the public property of Vojvodina and local municipalities, which will allow Vojvodina to start wielding authority under the new Statute; moreover, calls for further political efforts to address the aspirations of the Albanian minority in Preševo valley to local administration by swift provision of appropriate

Wednesday 19 January 2011

funds to be distributed in consultation with the Coordination Body for the Municipalities of Preševo, Bujanovac and Medvedja; at the same time, stresses the key responsibility of the representatives of the Albanian minority and urges them to discourage strident nationalistic and secessionist rhetoric, which is in sharp contrast to basic European values; equally, underlines the importance of integration of Serbs into these local government bodies;

24. Welcomes the efforts made by Serbia in the field of the protection of minorities; underlines, however, that access to information and education in minority languages remains to be improved, in particular in the case of the Bosniak, Bulgarian, Bunjevci and Romanian minorities;

25. Welcomes the establishment of a majority of the national minority councils, allowing them to take decisions in the fields of education, culture, use of minority languages and public information; notes the importance of the full implementation of the competencies of these minority self-governing bodies and the necessity of adequate budgetary subsidies guaranteed by the Law on National Minority Councils; notes the complaints about the irregularities in the preparation process and the legal requirements for the establishment of the councils, as well as the complaints about the violation of the guaranteed competencies of national councils by some ministries and local municipalities, and calls on the authorities to respond to them; raises concerns regarding the setting-up of the Bosniak national council and calls for a swift conclusion of the process in compliance with the rules, permitting legitimate representation of the Bosniaks in the council; is concerned about increasing tensions in Sandžak, as manifested inter alia by recent violent incidents, and strongly calls for political disputes to be resolved through dialogue within the framework of democratic institutions;

26. Welcomes the progress made in relation to the promotion of gender equality, in particular the adoption of the Gender Equality Act and the adoption of the national action plan for improving the position of women and promoting gender equality; recalls, however, that the implementation of these measures is still pending and that women remain discriminated against, notably in the labour market; therefore calls on the Serbian authorities to swiftly put the new legal framework on gender equality into practice and tackle wider issues of gender-based discrimination, such as the increasing level of domestic violence in Serbia;

27. Calls for further steps to be taken to fully implement anti-discrimination law and welcomes the progress in this field, in particular the establishment of the Commissioner for the Protection of Equality, as an important step in ensuring the equal treatment of all citizens of Serbia;

28. Recalls that freedom of expression and of assembly are core European values and welcomes the fact that the Gay Pride parade in Belgrade took place on 10 October 2010; sees the event as a step of seminal importance towards establishment of an open, tolerant and diverse society and as the government's commitment to uphold EU standards of tolerance and to protect vulnerable minorities in society; expresses satisfaction with the adequate security measures taken for the protection of the parade's participants;

29. However, deplores the violent clashes accompanying the Parade, which resulted in a large number of injuries, mostly among the police; draws attention to the fact that the extremists involved had indirect support from certain political parties and prominent religious figures; calls on the Serbian authorities to ensure the rule of law, by prosecuting the perpetrators of the violence which marred the parade and by effectively banning the extremist organisations to which they belong; notes that these organisations were responsible for instances of serious violence in the past, in particular on 17 February 2008 and at a number of sport events; takes note, in this regard, that a number of such cases are now pending before the Constitutional Court; calls for the adoption of appropriate measures to combat effectively all kinds of extremism and radicalism in society;

30. Stresses that many Roma still live in extreme poverty, which has a particularly negative impact on the life chances of young Roma; moreover, points out that they suffer discrimination on the labour market, only 5 % of them holding a permanent job; calls on the authorities to take urgent steps with regard to their situation, by providing all of them with ID cards, as well as to improve their access to adequate housing, the job market, education and healthcare; draws attention to the continuous discrimination as well as recent cases of violence against the Roma population and of forceful relocation of Roma by the Serbian authorities;



Wednesday 19 January 2011

31. Points out that Serbia is the country with the highest number of refugees and internally displaced persons (IDPs) in Europe; underlines their difficult situation concerning housing and poverty and calls on the Serbian authorities to revise the national strategy on refugees; welcomes Serbia's initiatives to revitalise the regional process for a durable solution to refugee problems and calls on the signatory countries of the Sarajevo Declaration to achieve more significant progress in this area; points out, in this regard, the common commitment of the Serbian and Croatian Presidents to investigate the fate of missing persons and to find solutions to refugee and return issues; calls on the Commission to use its political leverage over the EU candidate and potential candidate countries in the region in order to ensure that obstacles hindering the return of refugees are removed; moreover, recalls that up to 150 000 returnees are foreseen as a result of readmission agreements with EU countries and that their successful reintegration will require thorough preparations, particularly by local authorities; stresses the important role played by civil society organisations in this process;

32. Welcomes the reforms in the military sector and in particular the professionalisation of the Serbian Army, which came into force on 1 January 2011, as an important step towards modernisation of the army and further strengthening of civilian control of the military;

33. Underlines the important role played by civil society in determining policy priorities; emphasises the importance of dialogue with civil society organisations and stresses the crucial role of civil society actors in contributing to enhanced regional cooperation on social and political aspects; welcomes the fact that the new Law on Associations adopted in 2009 has clarified the legal status of NGOs and that improvements in cooperation between the Serbian administration and civil society have been made; acknowledges the government's efforts to consult civil society; calls on the authorities to take further steps to formalise and increase participation of civil society actors in the policy-making process and in the monitoring of activities of the authorities; stresses the need for support and protection of civil rights defenders, notably LGBT activists, those working on war crimes and those seeking to improve relations between Serbia and Kosovo;

34. Expresses, in this respect, its support for the RECOM initiative (Regional Commission for Truth Seeking and Truth Telling about War Crimes and Other Serious Violations of Human Rights in the former Yugoslavia) with a view to further moving forward the process of awareness and reconciliation throughout the Western Balkans, and calls for support for it from the authorities in Serbia and other countries concerned;

35. Stresses the utmost importance of the education system for the country's youth and future economic prospects; underlines that modern and high-standard education which produces generations of high-skilled workers is one of the central preconditions for social and economic development; regrets the high unemployment in the country, particularly among young people, and the low percentage of university graduates; calls on the authorities to fully implement provisions of the Bologna process and to bring the Serbian education system into line with European standards; welcomes the progress in the area of science and research but stresses that further efforts are needed if Serbia is to join the European Research Area; furthermore, calls on the authorities to increase investments in national research capacities in order to prevent Serbian research standards and capacities from lagging behind European ones;

36. Acknowledges the extended general collective agreement that the Serbian Government signed with the trade unions and the employers' association in November 2008; encourages the Serbian Government to end the current suspension of the agreement; underlines that trade union rights still remain limited despite constitutional guarantees and calls on Serbia to further enhance labour and trade union rights; is concerned that the social dialogue remains weak and the consultation of social partners irregular; recognises that the Social and Economic Council has met more frequently and that all specialised bodies are operational, but is concerned that its capacity remains weak; calls for further steps to be taken to strengthen the Economic and Social Council to ensure that it can take an active role in strengthening the social dialogue and play a more active consultative role in law-making;

37. Draws attention to the difficult situation in the prison system and calls for steps to be taken to remedy prison over-crowding, to improve deplorable detention conditions and to provide appropriate rehabilitation programmes and training for the inmates;

Wednesday 19 January 2011

38. Underlines the detrimental consequences of the financial crisis for the country; notes the recent review of the stand-by agreement with the IMF, accompanied by the positive evaluation of the country's macroeconomic policies, and welcomes the setting-up of the Western Balkans Investment Framework for the advancement of the integration and the economic recovery of the region, making available loans for priority infrastructure projects; calls for expansion of the framework to include support to small and medium-sized enterprises and invites Serbia to take advantage of these new financial resources, as well as of the opportunities under the IPA assistance, also with a view to more effectively protecting vulnerable groups in society from the effects of the crisis;

39. Recalls that the existence of monopolies severely hampers the development of a fully functioning market economy; therefore, calls on the government to take active measures to ensure that an effective competition policy is pursued by abolishing them; stresses that the obstacles facing the entry of small and medium-sized enterprises into the economy remain more substantial than is desirable; welcomes the establishment of market regulators in various fields and looks to the authorities to ensure independence of these bodies in order to prevent their 'capture';

40. Notes further that the country's national and economic statistics require further improvement and calls on the authorities to upgrade these;

41. Calls on the Serbian authorities and political movements to make a firmer commitment to employment policies and social cohesion and to create an environment conducive to the development of democracy, the rule of law, a free market economy and respect for human rights;

42. Calls for further efforts to develop a sustainable network of public transport inside Serbia and throughout the whole of the Western Balkans and to improve the road infrastructure, including swift completion of Corridor X, but equally importantly rail and inland waterway transport; underlines the importance of an integrated transportation system both for economic development of the Serbian regions and to increase the level of regional trade; expresses particular interest in the development of the Danube Strategy in order to improve connection and communication systems (covering in particular transport, energy issues and the information society), preserve the environment, prevent natural risks and reinforce socioeconomic development;

43. Regrets, in this regard, the poor condition of public transport with regard, in particular, to railways; calls on the Serbian Government to make full use of the IPA funds in order to develop, upgrade and modernise the railway network and improve the interconnections with neighbouring countries for both people and freight;

44. Commends Serbia's good progress in the field of the environment; encourages, however, intensified efforts in the field of renewable energy and energy efficiency, noting that main elements of the acquis on renewable energy remain to be transposed and that a legislative framework on energy efficiency is still to be adopted;

45. Welcomes the adoption by the Chemicals Agency of a rulebook which limits or bans production of chemicals posing a risk to human health and the environment and that brings the chemicals industry more into line with EU regulations; regrets, however, that the application of certain provisions requiring advanced technology and related investments has been delayed as, according to industry representatives, it would lead to financial losses and disruption of industry's business operations in Serbia; calls for the swift and full implementation of the 2009 green legislative package;

46. Welcomes the agreements with Montenegro and Croatia allowing the extradition of citizens of these countries suspected of taking part in organised crime and the foreseen talks on the demarcation of the border between Serbia and Croatia; encourages the Serbian Government to conclude similar agreements with other neighbours and welcomes the steps taken to this end by Serbia and Montenegro; encourages Serbia to continue sharing intelligence and evidence on cross-border crime networks, particularly those involved in drug-trafficking, with neighbouring countries in order to effectively fight transnational organised crime in the Balkan region;



Wednesday 19 January 2011

47. Stresses the important role played by Serbia as regards the stability of the whole Western Balkans and in particular the stability and cohesion of Bosnia and Herzegovina; calls in this regard on the Serbian authorities to actively support all necessary constitutional changes that would enable BiH state institutions to carry out challenging reforms in the European integration process; calls on Belgrade in particular to support the consolidation, streamlining and strengthening of Bosnian state institutions;

48. Calls on the Serbian authorities to continue approximating EU environmental legislation and standards and to implement and enforce the legislation adopted;

49. Instructs its President to forward this resolution to the Council, the Commission and the Government and Parliament of Serbia.

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### European initiative on Alzheimer's disease and other dementias

P7\_TA(2011)0016

#### European Parliament resolution of 19 January 2011 on a European initiative on Alzheimer's disease and other dementias (2010/2084(INI))

(2012/C 136 E/07)

*The European Parliament,*

- having regard to Article 168 of the EC Treaty,
- having regard to Article 35 of the Charter of Fundamental Rights of the European Union,
- having regard to the Council Recommendation on measures to combat neurodegenerative diseases, in particular Alzheimer's, through joint programming of research activities, and the Council conclusions on public health strategies to combat neurodegenerative diseases associated with age and, in particular, Alzheimer's disease,
- having regard to the findings of Alzheimer Europe's EU project EuroCoDe (European Collaboration on Dementia) (2006/2008) financed by DG Sanco and the World Alzheimer Report 2010 released by Alzheimer's Disease International (ADI) in the context of World Alzheimer's Day on 21 September 2010,
- having regard to the results of EuroCoDe (European Collaboration on Dementia), an Alzheimer Europe European project funded by the Commission,
- having regard to the Communication from the Commission to the European Parliament and the Council on an European initiative on Alzheimer's disease and other dementias (COM(2009)0380 final),
- having regard to the EU strategic objective of promoting good health in an ageing Europe, established on the basis of the Commission White Paper 'Together for Health: A Strategic Approach for the EU 2008-2013', which stresses the need to intensify research in the interests of palliative care and a better understanding of neurodegenerative diseases,
- having regard to its resolution of 9 September 2010 on the long term care of older people <sup>(1)</sup>,
- having regard to its resolution of 7 September 2010 on the role of women in an ageing society <sup>(2)</sup>,

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<sup>(1)</sup> Texts Adopted, P7\_TA(2010)0313.

<sup>(2)</sup> Texts Adopted, P7\_TA(2010)0306.

Wednesday 19 January 2011

- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on the Environment, Public Health and Food Safety (A7-0366/2010),
- A. whereas it is estimated that 35,6 million people worldwide will be suffering from dementia in all its forms in 2010, and that this number is estimated to nearly double every 20 years, possibly reaching 65,7 million in 2030, (2010 report by Alzheimer's Disease International); whereas the number of sufferers of Alzheimer's disease is underestimated due to difficulties in early diagnosis,
- B. whereas the number of people suffering from dementia in Europe is estimated to be 9,9 million, with Alzheimer's accounting for the vast majority of these (2010 report by Alzheimer's Disease International); taking into account that neurodegenerative diseases can affect people of all ages but represent one of the main causes of disability and dependence in older people, and that the number of people suffering from these diseases is expected to rise dramatically by 2020 owing to increased life expectancy and a lack of social life among the retired; whereas this figure for the number of people affected almost trebles when the number of informal carers of people with dementia are also taken into account,
- C. whereas, according to the World Alzheimer Report for 2009, Europe accounts for over 28 % of the total number of persons suffering from dementia, placing it second only to Asia (with 35 %), while of all the world's regions western Europe has the highest proportion of sufferers (19 %),
- D. whereas the population of Europe is ageing, with persons aged over 80 constituting the fastest growing cohort in most European countries; whereas there is a decreasing ratio of working to retired populations and whereas dementia is therefore expected to be one of the main challenges for the sustainability of national social and healthcare systems, including informal care and long-term care facilities, in the coming decades,
- E. whereas according to certain estimates (2010 report by Alzheimer's Disease International) the total direct medical and social care costs of Alzheimer's disease in Europe amount to USD 135,04 billion,
- F. whereas early diagnosis may help to manage healthcare costs across Europe,
- G. whereas the European Union does not currently have at its disposal sufficiently precise statistics concerning dementias, and in particular neurodegenerative diseases, and whereas the estimates vary by up to a factor of three, depending on the study consulted; whereas it is essential, therefore, that European epidemiological studies should be carried out on the basis of common, strictly defined indicators,
- H. whereas the consequences of dementia are both social and economic, affecting all health systems in the Member States,
- I. whereas in order to anticipate the economic and social impact of Alzheimer's and other forms of dementia, it is necessary to invest in scientific research and efficient approaches to care systems,
- J. whereas the bulk of the research effort in this field is carried out by Member States, with a relatively low level of transnational coordination, leading to fragmentation and limited sharing of knowledge and best practice among Member States, and whereas research for Alzheimer's Disease is lagging behind research into other major diseases in Europe,
- K. whereas Alzheimer Europe's recent findings show that Alzheimer's disease remains underdiagnosed in the EU and that many inequalities exist across the Member States in regard to prevention, access to treatment and provision of appropriate services,

Wednesday 19 January 2011

- L. whereas current research suggests that diet may be a significant causal factor in the development of Alzheimer's disease and therefore the prevention of dementia through modifiable interventions should be a priority and particular attention should be given to preventative factors such as a healthy diet, promoting physical and cognitive activity and controlling cardiovascular risk factors such as diabetes, high cholesterol, hypertension and smoking,
- M. whereas there is a growing awareness that the impact of neurodegenerative diseases on the population in Europe is of such a magnitude that no Member State is capable of resolving it alone; whereas it is therefore necessary for Member States and the EU to strengthen significantly cooperation and coordination of innovative and multidisciplinary clinical research efforts into the causes, prevention and treatment of Alzheimer's disease, of information sharing and the level of financial resources in this area, in order to combat neurodegenerative diseases, particularly Alzheimer's, which is a major challenge for European societies,
- N. whereas this European initiative is not intended to replace existing national plans to combat Alzheimer's disease and other forms of dementia, but should instead be used as a means of coordinating European research in this area more effectively,
- O. whereas dementia is a devastating disorder for the patients themselves but can also, if adequate services of good quality are not provided, become a very heavy burden placed on the shoulders of the patients' relatives and carers, due to the emotional, physical and financial difficulties faced by the relatives and friends of those affected by all types of dementia; whereas in every family with a patient, on average three persons directly bear the brunt, meaning that an estimated 19 million Europeans are directly affected by dementias,
- P. whereas there is a shortfall in capacity in institutional care for people suffering from Alzheimer's disease, and that shortfall will worsen in the future; whereas there is a shortage of healthcare professionals and social workers caring for people suffering from Alzheimer's, and that shortage will increase in future; whereas at the same time it is clear that the best thing for such people is to assist them to remain in their familiar environment at home,
- Q. whereas, in connection with the care of dementia sufferers and support for carers, the European Union and the Member States must pursue a threefold objective: provide high-quality care for sufferers, ensure that carers can take advantage of periods of respite tailored to their needs, and ensure that sufferers can be looked after at home or in high-quality, innovative care facilities,
- R. whereas modern telemedicine services can deliver very effective support for patients suffering from Alzheimer's, and for their carers, and can thus contribute to a better quality of life for patients in their familiar environment and provide a good alternative to institutional care,
- S. whereas there is a stigma attached to Alzheimer's disease and public attitudes towards the illness and the persons affected by it leave sufferers and their families and relatives isolated; whereas the overall approach to the problem is still the wrong one, leading those affected and their relatives to their social exclusion; whereas, therefore, there is a need for better understanding of the stigma, prejudice and discrimination associated with dementia whilst research is also needed on how to prevent social exclusion and encourage active citizenship so as to maintain the dignity and respect of the people with dementia at the core of any action,
- T. whereas enhancing the quality of the patients is often linked to the emotional lives of the patients' relatives,
- U. whereas Support Groups represent a suitable space for group thinking to support and share the 'conscious responsibility' of the patients' relatives,
- V. whereas Alzheimer's and the other forms of dementia should not be perceived as a normal problem faced by individuals as part of the ageing process without them being entitled to suitable treatment, medical assistance and specialised care,

Wednesday 19 January 2011

- W. whereas, although social awareness and scientific knowledge of Alzheimer's disease have increased substantially, underlining in particular how the disease is characterised not only by clinical dementia but also by the onset of pre-dementia earlier in time, therapeutic options are still limited to symptomatic drugs; whereas there are currently striking disparities between and even within Member States and shortcomings in terms of staff training and qualifications and the availability of equipment needed for diagnosis and research and whereas the diagnosis of Alzheimer's often takes place years after the onset of the disease, thus delaying any possible treatment to slow down the disease,
- X. whereas recent advances in the use of reliable biomarkers for Alzheimer's disease have stimulated the development of new criteria defining Alzheimer's disease as a clinical entity encompassing not only a phase affecting memory and cognition, but also an earlier phase,
- Y. whereas Alzheimer's disease and the other forms of dementia do not affect just the elderly, but may also be developed by young people; whereas access to diagnostic services, research and care, support and accommodation should be improved for young sufferers,
- Z. whereas raising greater public and professional awareness about Alzheimer's disease, both at national and European level, should empower the population to recognise the first signs of the disease, seek early diagnosis, and access treatment and services at an early stage,
- AA. whereas a greater focus on the pre-dementia phase of Alzheimer's disease could contribute to supporting the development of appropriate therapeutic interventions capable of slowing down the disease's progression, and ultimately delaying patients' entry into severe Alzheimer's, i.e. the most debilitating form of the disease,
- AB. whereas the development of effective disease-modifying agents (as opposed to purely symptomatic agents) represents an area of critical and urgent unmet need for patients with Alzheimer's disease,
- AC. whereas, furthermore, the diagnosis of Alzheimer's disease delivered in almost 70 % of cases of dementia fails to take full account of the variety of cerebral lesions encountered in sufferers and of the fact that young and elderly sufferers do not show the same pathological and clinical picture,
1. Calls on the Council to declare dementia to be an EU health priority and strongly urges the Member States to develop specific national plans and strategies for Alzheimer's disease in order to deal with the social and health consequences of dementia and to provide services and support for people with dementia and their families, as has been done in several Member States where the 'Alzheimer's and similar diseases' plan launched in 2008 has made it possible to coordinate medical and social care and clinical and basic research into these diseases at national level;
  2. Welcomes the EU Joint Programming initiative promoted by the Member States in order to boost research on Alzheimer's and other neurodegenerative diseases and encourages the Commission to continue launching activities to tackle health-related, social, technological, and environmental challenges for the treatment of Alzheimer's and other neurodegenerative diseases;
  3. Calls on the Council and the Commission to take account of the concept of dementia when preparing future actions in the area of preventive health policy, notably in relation to its interaction with cardiovascular illnesses, mental health, physical activity, education in the field of health and new technologies;
  4. Calls on the Member States to provide EU citizens with lifestyle information with a view to delaying or preventing the onset of Alzheimer's and other forms of dementia, by promoting the concept of 'a healthy lifestyle for a healthy brain';
  5. Suggests that the Council and the Commission consider launching a European Year of Mental Health, complementing World Alzheimer's Day on 21 September, in order to raise awareness of brain-related diseases associated with ageing and of ways to detect and identify early symptoms of such diseases, with public information campaigns on their prevention as well as about the treatment of cerebral vascular accidents; The European year should be also a place to promote the exchange of good practices in European countries;

Wednesday 19 January 2011

6. Points out that (a) the increasingly ageing population and b) the mounting pressure on public finances and private productivity due to increased expenses for this ageing population will create a structural problem for the Member States; the European Union should therefore adopt in its long-term strategy the policy of firm promotion of the principle of prevention (in terms of medical practices as well as in terms of encouraging healthier lifestyles). Health indicators will contribute to significant improvement of the economic indicators;
7. Calls on the Council and the Commission to recognise the role of patients' associations in the area of neurodegenerative diseases and to involve them in information and prevention campaigns and support measures for dementia sufferers and in the preparation of research programmes;
8. Suggests that the Commission consider promoting a 'Carers Day' to raise awareness of and recognise the crucial role of formal and informal carers across Europe;
9. Stresses that discovering effective interventions that prevent the onset of or delay Alzheimer's progression must take on an all encompassing urgency;
10. Calls on the Council and the Commission to act to raise public awareness in the Union concerning dementia, facilitating recognition of the early symptoms of dementia with a view to early diagnosis and the corresponding treatment and appropriate support;
11. Underlines the primality of prevention as well as the relevance of early diagnosis for effective interventions; underlines the need and calls on the Member States to improve epidemiological and clinical data to help direct research, rehabilitation and action, in particular during the asymptomatic phases and before the onset of incapacity;
12. Notes that at present there is no specific policy on the prevention of Alzheimer's disease, and calls, therefore, for the establishment of such a policy, including at European level, to be based on the need to maintain an environment conducive to patients' physical and intellectual activity and a diet consistent with that recommended by the European Platform for Action on Diet, Physical Activity and Health and on the promotion of all policies to reduce smoking, both active and passive;
13. Is convinced that the early diagnosis tests recently proposed by the International Working Group on the New Criteria for Alzheimer's Disease, research into risk factors and the definition of early-diagnosis criteria are vitally important;
14. Encourages all the Member States to engage actively in the definition, development and implementation of common protocols for early diagnosis, to establish biomarkers with a view to building on the emergence of new therapies for both dementia and pre-dementia, and to define a common research agenda in the field of neurodegenerative diseases and the sharing of best practices in the area of research into neurodegenerative diseases, thus reducing the prevailing inequalities between Member States and within Member States as regards diagnosis and treatment; points out that standard operational procedures for the assessment of disease markers will be key to drug discovery and to the development of more effective, technology-assisted care of patients with Alzheimer's disease;
15. Encourages Member States to ensure that drugs able to slow the onset of Alzheimer's are made available to all patients suffering from the disease and not only patients who are diagnosed with severe cases of Alzheimer's;
16. Encourages the Commission to draw up guidelines for the development and implementation of common early diagnostic services based on a multidisciplinary assessment of the patient's state of memory and an adapted notification and information system to provide patients and their families with the best possible framework in which to approach the onset of the disease;
17. Encourages the Member States to establish specialist centres and to provide satisfactory medical equipment (including magnetic resonance imaging, whose contribution to dementia research is indisputable) nationwide;

Wednesday 19 January 2011

18. Calls on the Council and the Commission to take account of the rapid spread of dementia and Alzheimer's, and their impact, when drawing-up action plans for research;
19. Urges the Member States to develop policies for facilitating access to research funding in the field of dementia and Alzheimer's, including research into prevention, on a basis proportionate to these illnesses' economic impact on society;
20. Points to the importance of a multidisciplinary approach to ways in which cooperation and coordination in the field of research at European level can improve knowledge, diagnosis, treatment, prevention, and social research into the welfare of patients and their families and carers; believes that research on the validation of new diagnostic criteria, the development of early screening tests, and the identification of risk factors for the progress of the disease from the pre-dementia phase to the advanced stages is crucial; recommends that representatives of patients, healthcare organisations and medical-service providers be involved in this process; sees, this being the case, clear added value in conducting large-scale epidemiological and clinical studies on the basis of transnational collaboration;
21. Recognises the current importance of the European Union's support, totalling EUR 159 million, for 34 projects on neurodegenerative diseases; considers it essential, nevertheless, in the context of the forthcoming 8th RDP, to address the fragmented nature of research, particularly that on Alzheimer's, and to include projects in the insufficiently explored fields of non-drug, behavioural and cognitive therapies;
22. Regards early diagnostic tests, research into risk factors and early diagnosis criteria as crucial; sees, this being the case, clear added value in conducting large-scale epidemiological and clinical studies on the basis of transnational cooperation; regards the European Health Examination Survey, which will be able to provide valuable information, through its cognitive test module, on the number of people with early-stage cognitive deficiencies, as equally important;
23. Calls on the Commission, the Council and Member States to take into account the specific needs of women, who account for twice the number of sufferers and a disproportionate number of carers, in the areas of medical and social research, health, employment and social policies;
24. Calls on the Member States to develop long-term policies and action plans in the field of care and prevention which anticipate and address social and demographic trends, and to focus on the support provided to the families of patients for whom they are caring, thereby affording social protection to vulnerable persons suffering from dementia;
25. Stresses the importance of preventing Alzheimer's disease by encouraging a healthy lifestyle, including staying mentally and socially engaged, promoting good diets and exercising;
26. Invites the Member States to develop a Strategic Research Action Plan establishing medium- to long-term research needs and objectives in the area of neurodegenerative diseases, including care provision needs, especially in the area of Alzheimer's. These action plans should focus on enhancing the potential of young researchers and supporting innovative research approaches based on a public-private partnership; recommends fostering the development of centres of excellence for specific research areas and involving representatives of patients, carers organisations and public/private healthcare providers;
27. Invites the Member States to cooperate with the Commission with a view to exploring possible Commission initiatives to assist Member States in developing and implementing the common research agenda;
28. Calls on the Member States to develop action plans aimed at improving the well-being and quality of life of patients suffering from Alzheimer's and other dementias, and that of their families;
29. Invites European Institutions to support as far as possible Alzheimer Europe's Dementia Research Observatory as a useful tool for the dissemination of best practices and research results to patients and their carers;



Wednesday 19 January 2011

30. Points to the importance of research into the connection as well as the distinction between the ageing process and dementia, between dementia and depression in older people, and between gender differences and the various types of dementia; encourages the Member States, furthermore, to promote specific healthcare and research programmes that give great importance to patient choice and perspective, and to formulate recommendations centered on the core principles of dignity and social inclusion, thereby promoting the autonomy and self determination of patients;
31. Calls on the Member States to devote suitable resources to healthcare for Alzheimer's patients and to exchanges of information and networking with regard to the results obtained;
32. Stresses the importance of home help for patients and for the elderly, and the vital contribution made by non-profit and voluntary organisations in the care of Alzheimer's patients and those suffering from other age-related diseases; encourages the Member States to create forms of partnership with those organisations and support for their activities; calls on the Member States, in addition, to give due credit and recognition to the role played by the informal care provided by the relatives of those suffering from these diseases;
33. Stresses the need for actions which do not just focus on drug-based treatment of Alzheimer's once the condition has developed, but also on preventative measures, including diet and nutrition, to reduce the chances of developing Alzheimer's; calls for extensive research into the effects of diet and nutrition on Alzheimer's and for advice, including nutritional advice, on preventing the disease to be developed and disseminated to the public through awareness raising campaigns;
34. Underlines that research in health economics, social science and humanities, and non-pharmacological approaches is also needed to understand the psychological and social aspects of dementia;
35. Sees that the diagnosis of early symptoms of memory disorders should be one of the focal areas in occupational healthcare;
36. Urges the Commission, the Council and the Member States to consider establishing safety standards applicable to institutions specialising in care for the elderly, to the communities to which they belong and to home care arrangements;
37. Invites Member States, in close cooperation with the Commission and in conjunction with research organisations, to draw up common guidelines for the training of staff who work in whatever capacity with Alzheimer's patients (medical and paramedical professions), and for the training and monitoring of family and other informed carers to ensure competent and effective use of the existing resources; points out that the need for skilled people working with persons with dementia is increasing rapidly;
38. Calls on Member States to consider opportunities offered by the EU 2020 strategies 'A new jobs agenda' and 'New skills for new jobs' to strengthen the future workforce capacity related to looking after people suffering from Alzheimer's and other types of dementia; new skill-specific jobs need to be promoted across Europe to look after an increasingly dependent ageing population;
39. Calls on the Commission to leverage the resources of the flagship initiative 'Innovation Union' in the Europe 2020 Strategy and the planned pilot partnership on active and healthy ageing (to be launched by early 2011) to tackle dementia in Europe;
40. Underlines that the recent advances in imaging and biomarker research open the way to detecting silent molecular processes and early signs of Alzheimer's disease by using, for example, a marker which is currently being studied that will make it possible to view amyloid plaques, one of the two lesions associated with this disease, in the brain;
41. Recognises the vital contribution families, carers and communities play in enabling suffering patients to realise their potential and asks the Member States to support family, carers and community life;



**Wednesday 19 January 2011**

42. Stresses the importance of psychological support for patients and their families; emphasises the importance of combining the psychosocial approach to ageing with the results of medical and biomedical research; advocates the need for research in the fields of the health economy, social-humanistic aspects and non-pharmaceutical approaches to treatment, in order to gain an understanding of the psychological, economic and social aspects of dementia and to promote the use of existing technologies (e-health, ITC, assistive technologies, etc.);
43. Recommends that the Commission examine how EU initiatives in the field of rights of people with dementia, including the use of advance directives (living wills) and the issue of guardianship systems, can be extended;
44. Encourages Member States to consider reducing the use of antipsychotic medication in their action plans to aid Alzheimer's sufferers, given that while these drugs are currently commonly prescribed to combat the effects of dementia, their beneficial effect has been shown to be limited, and they have moreover contributed to excess deaths every year as a result of their prescription;
45. Emphasises that the dignity of people with Alzheimer's needs to be preserved and the stigma and discrimination against them needs to be eliminated;
46. Encourages Member States and the Commission to develop new policy-based incentives to facilitate the dissemination of information and market access strategies for innovative therapies and diagnostic tests addressing the current unmet needs of patients with Alzheimer's disease;
47. Encourages the Member States to develop healthcare and social services with the core principle of maximising coverage and ensuring equity of access and equality, to encourage the development of integrated services delivery in communities and at home, to benefit people with dementia regardless of age, gender, ethnicity, wealth, disability, and rural or urban residence; encourages Member States to take action to tackle those factors which impact unequally on the health of the population in a way which is avoidable; encourages the Commission and the Member States to further develop the collection of data on health inequalities;
48. Calls on the Member States to be aware of the preventative treatment that helps slow the onset of dementia as well as ensuring access to affordable, quality care for sufferers; highlights for Member States that such services need to be protected at a time of fiscal consolidation across Europe;
49. Calls on the Member States to set up an interconnected European network of centres of reference where expertise in the diagnosis, treatment and care of dementia and Alzheimer's would be concentrated and by means of which information and data could be exchanged and evaluated between the Member States;
50. Encourages the Member States to develop personalised pathways for multiprofessional and multidisciplinary care and support coordinated by a single reference person from the moment the diagnosis is notified, in order to facilitate home-based care through increased use of multi-purpose and specialised home help and care services, home automation and new information and communication technologies;
51. Calls on the Member States to develop diverse, innovative and high-quality facilities to offer respite to carers, such as accommodation and temporary reception centres, and to monitor the health of carers by, for example, providing them with appropriate medical care and psychological or social support;
52. Calls on the European Union and the Member States to strengthen research, improve access to diagnostic services and adapt care and support services to the needs of young sufferers;
53. Encourages the Member States to provide patients with access to new treatments whose therapeutic effectiveness has been verified and established, and to do so as soon as possible after they become available;

Wednesday 19 January 2011

54. Urges the Member States to improve public and professional awareness of dementia among healthcare skilled/semiskilled professionals, healthcare policy makers and media, resulting in better recognition of the symptoms of Alzheimer's disease and understanding of the disease and its care; the awareness must focus on different components such as diagnosis, treatment and appropriate support;

55. Reminds the Commission of the 2006 Bowis report calling on employers to introduce 'Mental Health at Work' policies as a necessary part of their health and safety at work responsibility, with a view to ensuring the best possible incorporation into the labour market of persons with mental disorders, and that these policies should be published and monitored within existing health and safety legislation; reminds the Commission that Parliament is still waiting for these policies to be published;

56. Emphasises the scale of the medical costs entailed by Alzheimer's disease and other dementias and that it is important to find viable solutions which take into account: the direct medical costs (comprising health system costs: specialist costs, medicinal products, medical examinations and regular check-ups); the direct social costs (comprising the cost of formal services outside the medical system: community services, home care, provision of food, transport, and placement of patients in specialist residential centres for the care of the elderly, where they can receive medical assistance); and informal costs (comprising the costs associated with reduced productivity in the event of a prolongation of working life, and loss of output as a result of early retirement, leave for medical reasons or death);

57. Encourages the Member States to develop information campaigns for the general public and for specific groups such as schoolchildren, healthcare professionals, and social workers, comparing and exchanging experiences on support measures for family carers, patients associations and non-governmental organisations by promoting the publication and distribution of information pamphlets – including online – on the training and organisation of voluntary workers and legal, psychological and health assistants both at home and at day centres by promoting or setting up Alzheimer's associations to enable those concerned to exchange experiences; highlights the importance in all awareness and education campaigns of the ability to recognise the symptoms of dementia;

58. Encourages the Member States to promote, on a voluntary basis, the practice of free memory screenings for those population groups that according to scientific data have a high risk of developing Alzheimer's disease or other dementia illnesses;

59. Encourages the Member States and the Commission to promote consideration of the needs of and an ethical approach to sufferers in order to guarantee respect for human dignity, and to consider the legal status of people suffering from neurodegenerative diseases with a view to providing a legal framework for the deprivation of liberty and legal protection for sufferers;

60. Calls for recognition of Alzheimer associations as prime partners and for them to be involved in 1) defining prevention recommendations and best practices and disseminating these at grass-root level, 2) providing much needed information and support to people with dementia and their carers, 3) presenting the needs of people with dementia and their carers to policy makers, and 4) fostering partnerships with the medical profession to provide a holistic approach; points out that in order to do so, the European institutions should investigate the possibilities of the European Public Health Programme providing regular core funding to European Alzheimer Associations and encourage Member States to support Alzheimer associations at national level;

61. Encourages Member States to develop support groups for healthcare professionals working in institutions, for relatives of hospitalised patients, for relatives assisting the patient at home and for healthcare professionals working in the home healthcare service;

62. Calls on the Council, the Commission and the Member States, in conjunction with Parliament, to foster the autonomy of persons with dementia and promote their dignity and social inclusion through the action plan in the field of health, and to provide information on best practices as regards respect for the rights of the vulnerable and combating the mistreatment of dementia patients;

Wednesday 19 January 2011

63. Calls on the Commission and the Council to foster the development, in connection with the implementation of research projects, of partnerships between public institutions and between private and public institutions, thereby harnessing facilities, resources and experience in the private and public sectors to combat the effects of Alzheimer's and of other types of dementia;

64. Points out that considerable progress still needs to be made in the area of access to therapeutic trials for patients with Alzheimer's and similar diseases in order to ensure that the new molecules are effective; emphasises that this problem should be addressed in the next revision of the EU Directive on clinical trials on medicinal products (2001/20/EC);

65. Calls on the Member States, in the light of the destructive impact of Alzheimer's on the memory and the mental faculties, to devise national strategies enabling the authorities responsible for financial aid to sufferers also to monitor such aid so as to ensure that it is used exclusively to benefit the sufferers;

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

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## Asthma inhalers

P7\_TA(2011)0017

**European Parliament resolution of 19 January 2011 on Petition 0473/2008 by Christoph Klein (German), concerning the failure of the Commission to take action regarding a competition case and the harmful impact of this on the company concerned**

(2012/C 136 E/08)

*The European Parliament,*

- having regard to the question of 10 November 2010 to the Commission on Petition 0473/2008 by Christoph Klein (German), concerning the failure of the Commission to take action regarding a competition case and the harmful impact of this on the company concerned (O-0182/2010 – B7-0666/2010),
- having regard to Article 227 of the Treaty on the Functioning of the European Union,
- having regard to Rules 115(1) and 110(2) of its Rules of Procedure,
- having regard to Rules 201 and 202 of its Rules of Procedure,
- A. whereas the applicable legal framework in this case is Council Directive 93/42/EEC <sup>(1)</sup> concerning medical devices, which provides that manufacturers of Class I medical devices can place such a device on the market without intervention by a notified body or an authority, and that is up to manufacturers to demonstrate that their devices meet the requirements of the directive,
- B. whereas Member States, in order to ensure that these requirements are met, are under an obligation to carry out market surveillance and to take the necessary measures, which include the safeguard clause procedure under Article 8 and measures under Article 18 in the case of an unduly affixed CE marking,
- C. whereas the manufacturer concerned demonstrated to the responsible authority in the Member State that its device fulfilled all legal requirements for the placing of a Class I medical device and product carrying the CE marking on the market,

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<sup>(1)</sup> OJ L 169, 12.7.1993, p. 1.

Wednesday 19 January 2011

- D. whereas a Member State through the responsible authority, when it takes the appropriate interim measures to withdraw a device from the market or prohibit or restrict its being placed on the market, is required to inform the Commission immediately of any such measures, indicating the reasons for its decision,
- E. whereas the German authorities had been expressing safety concerns about the device in question (an inhaler) since 1996 and had informed the Commission about the matter with a view to a safeguard procedure, but the Commission did not consult the manufacturer and never issued a ruling; and whereas, as a result, a decision on the matter is still pending and the petitioner is left without any available means of legal redress,
- F. whereas the authorities of Saxony-Anhalt imposed a sales ban on the device in 1997, at the insistence of the Bavarian authorities,
- G. whereas the company legally sold products before the first sales injunction was issued in 1997, and, according to the authority responsible, satisfied all the provisions of Council Directive 93/42/EEC,
- H. whereas the manufacturer placed the device on the market under a new name in 2003, and in 2005 the Government of Upper Bavaria ordered it to be withdrawn from the market, under the German Medical Devices Act, without informing the Commission accordingly,
- I. whereas, in 2006, the manufacturer informed the Commission of the second sales prohibition with a view to initiating infringement proceedings against Germany for breach of Article 8(1) of Directive 93/42/EEC,
- J. whereas the Commission claims that there was insufficient proof that the inhaler satisfied the essential requirements, as stipulated in Directive 93/42/EEC, and it concluded that there was no need for a new product safety review because the case fell under Article 18 rather than Article 8 of the Directive,
- K. whereas the manufacturer submitted a petition to the European Parliament in 2008 stating that the Commission, in its handling of the case, had breached its obligations under the directive and failed to fulfil its duty to act as the Guardian of the Treaties,
1. Considers that the Commission's reply to the Committee on Petitions failed to respond sufficiently to the questions raised by the petitioner and the committee members or to the concerns raised in the opinion of the Committee on Legal Affairs;
2. Calls on the Commission immediately to take the steps needed to end the still-pending procedure initiated in 1997 under the safeguard clause of Article 8 of Directive 93/42/EEC;
3. Calls on the Commission urgently to respond to the legitimate concerns of the petitioner – who has been experiencing this intolerable situation for 13 years and has consequently suffered considerable loss of earnings – and to take the necessary steps to enable the petitioner to assert his rights;
4. Instructs its President to forward this resolution to the Commission and to the German Federal Government.
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Wednesday 19 January 2011

**Situation in Haiti one year after the earthquake: humanitarian aid and reconstruction**

P7\_TA(2011)0018

**European Parliament resolution of 19 January 2011 on the situation in Haiti one year after the earthquake: humanitarian aid and reconstruction**

(2012/C 136 E/09)

*The European Parliament,*

- having regard to the International Donors' Conference Towards a New Future for Haiti, held in New York on 31 March 2010, and to the New York mission report of the delegation from Parliament's Committee on Development,
- having regard to the March 2010 'Action Plan for National Recovery and Development of Haiti: Immediate Key Initiatives for the Future',
- having regard to the conclusions of the extraordinary Foreign Affairs Council meeting held in Brussels on 18 January 2010,
- having regard to the statement on the Haiti earthquake made by the High Representative of the Union for Foreign Affairs and Security Policy on 19 January 2010,
- having regard to the conclusions of the preparatory ministerial conference held in Montreal on 25 January 2010,
- having regard to the European Consensus on Humanitarian Aid signed by the three EU institutions in December 2007,
- having regard to its resolution of 10 February 2010 on the recent earthquake in Haiti <sup>(1)</sup>,
- having regard to the report on the mission to Haiti of Parliament's Committee on Development (25-27 June 2010),
- having regard to the ACP-EU Joint Parliamentary Assembly's report of 30 August 2010 on the fact-finding mission to Haiti and the Dominican Republic,
- having regard to the June 2010 joint document issued by Catherine Ashton, Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, and Commissioner Kristalina Georgieva on the lessons to be learned from the EU response to the disaster in Haiti,
- having regard to the Commission communication of 26 October 2010 entitled 'Towards a stronger European disaster response: the role of civil protection and humanitarian assistance' (COM(2010)0600),
- having regard to the United Nations Stabilisation Mission in Haiti (MINUSTAH),
- having regard to the report by Michel Barnier entitled 'For a European civil protection force: Europe aid', published in May 2006,
- having regard to Rule 110(4) of its Rules of Procedure,

<sup>(1)</sup> OJ C 341 E, 16.12.2010, p. 5.

Wednesday 19 January 2011

- A. whereas the earthquake measuring 7.3 on the Richter scale which struck Haiti on 12 January 2010 killed 222 750 people, affected 3 million and displaced nearly 1,7 million, more than a million of whom are still living in makeshift camps that were supposed to be temporary, and whereas human rights associations continue to deplore the 'appalling' living conditions in these camps, in particular the 'rape and sexual violence' to which women are subjected,
- B. whereas 2,5-3,3 million people are currently 'food insecure', in a country where 60 % of the population lives in rural areas and 80 % lives in absolute poverty,
- C. whereas, a year on from the earthquake, the situation in Haiti remains chaotic, the country is still in a state of emergency and reconstruction work has barely started,
- D. whereas decades of poverty, environmental deterioration, vulnerability to various natural disasters, violence, political instability and dictatorship have left Haiti the most impoverished country in the Americas, with most of its population of 12 million surviving on less than USD 2 per day before the disaster, and whereas the earthquake damage has further undermined the state's ability to provide basic public services and thus to play an active role in the relief and reconstruction efforts,
- E. whereas to date only USD 1,2 billion of the USD 10 billion dollars pledged (with two deadlines: 18 months and three years) at the International Donors' Conference for the reconstruction of Haiti, held in New York on 31 March 2010, has actually been paid,
- F. whereas the recent tragedy in Haiti has demonstrated that the tools available to the EU for responding to disasters (humanitarian aid and the Community Civil Protection Mechanism) need to be improved in terms of their effectiveness, speed, coordination and visibility,
- G. whereas the Interim Haiti Recovery Commission (IHRC) was set up at Haiti's request to coordinate the resources and ensure that they are used effectively, and to implement the Action Plan for National Recovery and Development of Haiti; whereas the Commission, as the leading donor, is a voting member of the IHRC,
- H. whereas clearing the rubble is a major challenge in connection with the reconstruction of the country (only a tiny proportion has been cleared), and whereas at the current rate of progress it would take at least six years to remove the millions of cubic metres of rubble,
- I. whereas the cholera epidemic that broke out on 19 October 2010 has claimed more than 3 000 lives to date and affected more than 150 000 people, whereas the spread of the epidemic has highlighted the obvious structural shortcomings of the Haitian State and the limitations of the international aid system and of MINUSTAH, and whereas the cholera response effort is being hampered by – among other things – the current political crisis in the wake of the elections,
- J. whereas the UN has received only USD 44 million of the USD 174 million for which it appealed to fight the cholera epidemic,
- K. whereas the WHO is predicting 400 000 new cholera cases over the next 12 months if the epidemic is not eradicated,
- L. whereas the elections of 28 November 2010, the provisional results of which were announced in early December, sparked violent demonstrations in Haiti and numerous complaints of fraud, whereas the international community must support a transparent and fair election process in order to guarantee the clean elections that are essential for the reconstruction of the country, and whereas protecting the civilian population must be a priority,
- 1. Reiterates its solidarity with the people of Haiti suffering as a result of the earthquake and the cholera epidemic, and stresses that reconstruction efforts must involve the consultation of, and include, the Haitian people and Haitian civil society;

Wednesday 19 January 2011

2. Urges a strong, long-term commitment from the international community, including the EU, to honour all the pledges made at the International Donors' Conference in New York and to deliver the funds without delay; stresses, further, that all EU humanitarian and reconstruction assistance must be provided in the form of grants rather than loans which have to be paid back;
3. Recalls the international community's massive response to the devastating earthquake in Haiti, and its genuine political will to take a new approach to supporting the reconstruction of the country – without repeating the errors of the past – and to tackle the deep-rooted causes of poverty in Haiti once and for all;
4. Laments the scale of the disaster in Haiti, the effects of which are still highly visible a year on from the earthquake; welcomes the extent of the humanitarian aid granted to Haiti by the Commission (EUR 120 million, including EUR 12 million to fight cholera) and the Member States (approximately EUR 200 million), and the commitment shown by the Commissioner for International Cooperation, Humanitarian Aid and Crisis Response and by DG ECHO and its experts;
5. Stresses that the establishment of 'clusters' has made it possible to coordinate humanitarian efforts on the ground, but that this approach has revealed its limitations in the face of the huge number of humanitarian agencies involved and the complex nature of the emergency owing to Haiti's high urban population density;
6. Commends the efforts and achievements of humanitarian organisations (the Red Cross, NGOs and the United Nations) and the Member States, and stresses the need to communicate the non-visible effects of humanitarian work and the fact that the situation was brought under control thanks to, inter alia, the provision of care for the injured, drinking water, food and temporary shelter;
7. Notes that the cholera epidemic has highlighted the near-total helplessness of the Haitian State in the face of an easily preventable and treatable disease, along with the limitations of the international aid system in a country benefiting from a massive humanitarian deployment (12 000 NGOs); stresses that humanitarian agencies cannot and must not continue to make up for the weaknesses of the Haitian State or to take its place, and that urgent action must finally be taken to ensure long-term development, in particular as regards access to healthcare and drinking water and urban renewal;
8. Welcomes the collective commitment made by the Commission and the Member States at the International Donors' Conference for the reconstruction of Haiti to donate a total of EUR 1,2 billion, including EUR 460 million in non-humanitarian aid from the Commission; reiterates its call for the EU, as the leading donor, to exercise political leadership in the context of the reconstruction effort;
9. Calls on the Commission and the Member States to incorporate local food production and food security into the reconstruction effort in Haiti, via the development of rural infrastructure and the provision of aid to small farmers, in the context of their joint approach to programming their resources for reconstruction in Haiti and of the mid-term review of the programming of the remaining Commission funds, i.e. the EUR 169 million still to be allocated from the EUR 460 million announced in New York; calls for the implementation of the new food security policy framework announced by the Commission in March 2010;
10. Deplores the late start to the work of the IHRC, which should be playing a central role in coordinating reconstruction; is disappointed at the lack of information concerning its operation and effectiveness, and calls on the Commission, as a member of the IHRC, to intervene with a view to speeding up the implementation of the latter's mandate and reviewing its operation and to submit a report to Parliament on the IHRC's activities, its use of resources and the proportion of the funds pledged at the New York conference that has actually been committed to reconstruction;
11. Acknowledges that the effective operation of the IHRC, as the central body responsible for managing the reconstruction effort, is contingent on rebuilding the capacity of the Haitian State and renewing Haiti's political leadership following transparent and fair elections, and on a genuine political will to take the decisions that will have to be made before embarking on this gigantic project;



Wednesday 19 January 2011

12. Urges the Haitian Government to stand by and implement the commitments made in the Action Plan for National Recovery and Development of Haiti to strengthen the state's authority, make local government more effective, build the capacity of local and national institutions and incorporate the concept of political, economic and institutional decentralisation;

13. Takes the view that both local authorities and civil society representatives should be better supported and more involved in the decision-making process;

14. Deplores the fact that the Haitians have only shovels, pickaxes and wheelbarrows with which to clear the tonnes of rubble now strewn throughout the capital, which seems totally inadequate in view of the gravity of the situation; stresses that removing the rubble is essential to the reconstruction of Haiti, and is disappointed that hardly any funds have been released for this purpose; calls on the Commission to provide financial aid and technical support for the removal of rubble;

15. Calls on the UN to review MINUSTAH's mandate, with a particular focus on security issues, and is concerned about its effectiveness in the light of the latest events (the cholera epidemic and the elections in progress);

16. Deplores the serious housing crisis in Haiti; stresses that rehousing of the homeless, most of whom are living in makeshift camps set up mainly in the capital, Port-au-Prince, is being hampered by a lack of available land, the absence of clear land ownership rules and the fact that many plots of land are owned by expatriate Haitians, and calls on the Haitian authorities to make a political commitment to proactive measures, including compulsory purchase;

17. Is increasingly concerned about the situation of the most vulnerable groups of people, in particular women and children, in the wake of the earthquake, which has had a huge impact on more than 800 000 children, exposing them to the risk of violence, sexual abuse, trafficking, exploitation and abandonment, and calls on the EU and in particular the Commission to take firm action with a view to restoring living conditions that afford children protection and safety, so as to support the process of establishing a social protection system in Haiti and encourage education reform; calls for better living conditions and security in the camps;

18. Calls on the EU to work with the Haitian Government with a view to drawing up a legislative framework that protects children's rights and ensuring that national law reflects the obligations arising out of the numerous international instruments ratified by Haiti concerning the rights of the child, human rights, the abolition of slavery and child protection;

19. Considers it extremely important for the Commission to support the process of identifying and registering children separated from their families and tracing their relatives, and to take special precautions at Haiti's borders so as to prevent trafficking in children and illegal adoption;

20. Stresses the need for immediate action to build the capacity of the Haitian State in terms of democracy and good governance, which are essential for national reconstruction, and to ensure that Haitian civil society and the Haitian people are involved;

21. Expresses grave concern at the current political crisis following the presidential and parliamentary elections, the results of which have been widely contested and only cautiously endorsed by foreign observer delegations, and which are currently the subject of a recount by experts dispatched by the Organisation of American States (OAS), who – in their report submitted on 13 January 2011 – have recommended that the governing party's candidate, Jude Célestin, be replaced by Michel Martelly, owing to evidence of fraud;

22. Calls on the EU to do its utmost to support fair and transparent elections and the proper conduct of the second round, postponed to February, so as to prevent Haiti from lapsing into a worse crisis; believes that only a legitimately elected president and parliament can take the necessary decisions, and that reconstruction calls for stability and political determination;

Wednesday 19 January 2011

23. Urges the international community and the EU to cooperate closely with the future Haitian authorities and to assist them – throughout the reconstruction process – with the organisation of their institutions and of the state's powers, with a view to establishing a new equilibrium at all levels and a fully functioning democracy;
24. Stresses the pivotal importance of remittances from the Haitian diaspora in directing capital flows straight into the hands of the Haitian people, who can rapidly put such monies to use to meet pressing needs; asks the Member States and the Haitian Government to facilitate the delivery of remittances and to work towards reducing their cost;
25. Urges the EU and its Member States to keep the recovery and rehabilitation of Haiti high on their agenda, stresses that now is the time to help Haiti become an economically and politically strong and self-sustaining country, and calls on the international community to use this as an opportunity to tackle the root causes of underlying poverty in Haiti once and for all;
26. Calls on the Commission, in the spirit of the European Consensus on Humanitarian Aid, to ensure that a significant effort is made – in conjunction with the government, local authorities and civil society – to incorporate disaster preparation and risk minimisation into the emergency and longer-term development phases;
27. Urges the Commission to put forward proposals as soon as possible for establishing an EU Civil Protection Force based on the EU Civil Protection Mechanism;
28. Notes that Haiti has been the recipient of humanitarian aid for decades, and that the link between emergency aid, reconstruction and development has only become more important in this crisis; emphasises that it is crucial for the UN to be – and remain – in charge of coordinating all civilian and military operations relating to the restoration of security and to humanitarian aid, reconstruction and development;
29. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the Member States, the President and Government of Haiti, the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief, the World Bank and the IMF.

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## **Violation of freedom of expression and discrimination on the basis of sexual orientation in Lithuania**

P7\_TA(2011)0019

### **European Parliament resolution of 19 January 2011 on violation of freedom of expression and discrimination on the basis of sexual orientation in Lithuania**

(2012/C 136 E/10)

*The European Parliament,*

- having regard to international instruments guaranteeing human rights and fundamental freedoms and prohibiting discrimination, notably the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR),
- having regard to Articles 6 and 7 of the Treaty on European Union and Article 19 of the Treaty on the Functioning of the European Union, which commit the EU and its Member States to upholding human rights and fundamental freedoms and provide European means to fight discrimination and human rights violations,
- having regard to the Charter of Fundamental Rights of the European Union, especially Article 11 thereof, which guarantees the right to freedom of expression, and Article 21 thereof, which prohibits discrimination based on sexual orientation,

Wednesday 19 January 2011

- having regard to the draft amendments to the Code of Administrative Offences of the Republic of Lithuania (No XIP-2595),
  - having regard to the draft opinion of the Ministry of Justice of the Republic of Lithuania (No 11-30-01),
  - having regard to European Union activities to fight discrimination based on sexual orientation and homophobia,
  - having regard to the November 2010 Fundamental Rights Agency report 'Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity',
  - having regard to its Resolution of 17 September 2009 on the Situation in Lithuania following the adoption of the law on protection of minors <sup>(1)</sup>,
  - having regard to its previous resolutions on homophobia, protection of minorities and anti-discrimination policies, and notably to those on homophobia in Europe <sup>(2)</sup>,
  - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas on 16 December 2010, the Seimas postponed a vote on draft legislation that would amend the Code of Administrative Offences to punish the 'public promotion of homosexual relations' with a fine of between LTL 2 000 and 10 000 (EUR 580 – 2 900), because the amendments had not yet been examined by the relevant parliamentary committees and are still under review by the Lithuanian national authorities,
- B. whereas on 8 December 2010 the Committee on Education, Science and Culture of the Seimas also deleted sexual orientation from the list of grounds deserving protection in the equal opportunities provisions of the Law on Education (Article 5(1)),
- C. whereas the draft amendments to the Code of Administrative Offences are contrary to Article 25 of the Constitution of the Republic of Lithuania, which stipulates that 'the human being must not be hindered from seeking, receiving and imparting information and ideas', and Article 29, which states 'all persons shall be equal before the law, the court, and other State institutions and officials. The rights of the human being may not be restricted, nor may he be granted any privileges on the ground of gender, race, nationality, language, origin, social status, belief, convictions or views',
- D. whereas the Minister of Justice of the Republic of Lithuania has expressed the opinion that the draft amendments to the Code of Administrative Offences contravene Lithuania's obligations under its Constitution, the European Charter of Fundamental Rights, the European Convention on the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights,
- E. whereas the latest report from the Fundamental Rights Agency on 'Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity' of November 2010 concludes that 'The amendments could potentially criminalise almost any public expression or portrayal of, or information about, homosexuality',
- F. whereas in June 2009 the Seimas overwhelmingly voted to amend the 'Law on the Protection of Minors against the Detrimental Effects of Public Information', banning minors from accessing information about homosexuality,
- G. whereas the meaning of 'manifestation or promotion of sexual orientation' in the Law on Advertising remains unclear,

<sup>(1)</sup> OJ C 224 E, 19.8.2010, p. 18.

<sup>(2)</sup> OJ C 287 E, 24.11.2006, p. 179, OJ C 300 E, 9.12.2006, p. 491, OJ C 74 E, 20.3.2008, p. 776.

Wednesday 19 January 2011

- H. whereas this resolution was triggered by a series of worrying events such as the adoption of the Law on the Protection of Minors against the Detrimental Effects of Public Information, the attempted prohibition by local authorities on holding equality and gay pride marches, and the use by leading politicians and parliamentarians of inflammatory or threatening language and hate speech,
- I. whereas Commission Vice-President Viviane Reding, High Representative of the European Union Catherine Ashton, President of the European Council Herman van Rompuy and President of the European Parliament Jerzy Buzek unanimously condemned any kind of homophobia and discrimination on grounds of sexual orientation on 17 May 2010, International Day against Homophobia,
- J. whereas homosexuality was declassified as a mental illness by the World Health Organization in 1990, whereas no credible research indicates that educating children and young people about sexuality may affect their sexual orientation and whereas education about sexual diversity encourages tolerance and acceptance of differences,
1. Upholds the values and principles upon which the Union is founded, in particular respect for human rights, including the rights of all minorities;
  2. Reaffirms that the EU Institutions and Member States have a duty to ensure that human rights are respected, protected and promoted in the European Union, as provided for by the European Convention on Human Rights, the European Charter of Fundamental Rights and Article 6 of the Treaty on European Union, without distinction on grounds of sexual orientation;
  3. Calls on the Seimas to reject the draft amendments to the Code of Administrative Offences, include sexual orientation in the list of protected grounds in the Law on Education, enable minors to freely access information on sexual orientation, and clarify the meaning of the ban in the Law on Advertising;
  4. Points out that the proposed amendments have not yet been voted by the plenary of the Lithuanian Parliament and are still under review by the Lithuanian national authorities;
  5. Acknowledges the firm stand taken on several occasions by President of the Republic of Lithuania Dalia Grybauskaitė, denouncing draft homophobic legislation as being harmful for Lithuanian citizens and the image of Lithuania, and calls on the President to veto the amendments to the Code of Administrative Offences should they be approved;
  6. Welcomes the recent designation of homophobia as an aggravating circumstance for crimes;
  7. Commends the bilateral action taken so far by the Commission; calls on the Commission to undertake a legal assessment of the proposed amendments to the Code of Administrative Offences and issue an EU Roadmap with concrete measures against homophobia and discrimination on grounds of sexual orientation;
  8. Welcomes the plan by the Lithuanian authorities to review the proposed amendments that have been deemed to be in conflict with European law, notably in relation to the principle of non-discrimination on the grounds of sexual orientation;
  9. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and candidate countries, the President and Parliament of the Republic of Lithuania, the EU Agency for Fundamental Rights and the Council of Europe Commissioner for Human Rights.
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Thursday 20 January 2011

**Situation of Christians in the context of freedom of religion**

P7\_TA(2011)0021

**European Parliament resolution of 20 January 2011 on the situation of Christians in the context of freedom of religion**

(2012/C 136 E/11)

*The European Parliament,*

- having regard to its previous resolutions, and in particular that of 15 November 2007 on serious events which compromise Christian communities' existence and those of other religious communities <sup>(1)</sup>, that of 21 January 2010 on attacks on Christian communities <sup>(2)</sup>, that of 6 May 2010 on the mass atrocities in Jos, Nigeria <sup>(3)</sup>, that of 20 May 2010 on religious freedom in Pakistan <sup>(4)</sup> and that of 25 November 2010 on Iraq: the death penalty (notably the case of Tariq Aziz) and attacks against Christian communities <sup>(5)</sup>,
- having regard to the annual reports on the situation of human rights in the world, and in particular to its resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union's policy on that matter <sup>(6)</sup>,
- having regard to Article 18 of the Universal Declaration of Human Rights of 1948,
- having regard to Article 18 of the International Covenant on Civil and Political Rights of 1966,
- having regard to the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief of 1981,
- having regard to the reports of the UN Special Rapporteur on freedom of religion or belief and in particular her reports of 29 December 2009, 16 February 2010 and 29 July 2010,
- having regard to Article 9 of the European Convention on Human Rights of 1950,
- having regard to Article 10 of the Charter of Fundamental Rights of the European Union,
- having regard to Article 3(5) of the Treaty on European Union (TEU),
- having regard to Article 17 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the statement by the spokesperson of Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the Commission, following the attack against worshippers at a Coptic Church in Alexandria, Egypt, on 1 January 2011,
- having regard to the statement of the President of the European Parliament Jerzy Buzek on the deadly blast at an Egyptian church on 1 January 2011,
- having regard to Rule 110(4) of its Rules of Procedure,

<sup>(1)</sup> OJ C 282 E, 6.11.2008, p. 474.

<sup>(2)</sup> OJ C 305 E, 11.11.2010, p. 7.

<sup>(3)</sup> Texts adopted, P7\_TA(2010)0157.

<sup>(4)</sup> Texts adopted, P7\_TA(2010)0194.

<sup>(5)</sup> Texts adopted, P7\_TA(2010)0448.

<sup>(6)</sup> Texts adopted, P7\_TA(2010)0489.

Thursday 20 January 2011

- A. whereas the European Union has repeatedly expressed its commitment to freedom of religion, freedom of conscience and freedom of thought, and has stressed that governments have a duty to guarantee these freedoms all over the world; whereas the development of human rights, democracy and civil liberties is the common base on which the European Union builds its relations with third countries and has been provided for by the democracy clause in the agreements between the EU and third countries,
- B. whereas Article 18 of the International Covenant on Civil and Political Rights declares that everyone has the right to freedom of thought, conscience and religion; whereas this right includes the freedom to have or to adopt a religion or belief of one's own choice, and the freedom, either individually or in community with others and in public or private, to manifest this religion or belief in worship, observance, practice and teaching,
- C. whereas freedom of thought, conscience and religion applies to adherents of religions, but also to atheists, agnostics and people without beliefs,
- D. whereas the number of attacks on Christian communities has risen worldwide in 2010 as well as the number of trials and sentences to death for blasphemy, which often affect women; whereas statistics on religious freedom in recent years show that the majority of acts of religious violence are perpetrated against Christians, as indicated in the 2009 Report on Religious Freedom in the World prepared by the organisation 'Aid to the Church in Need'; whereas in some cases the situation facing Christian communities is such as to endanger their future existence, and if they were to disappear, this would entail the loss of a significant part of the religious heritage of the countries concerned,
- E. whereas once again innocent lives were being cut short in atrocious attacks designed to strike the Christian community in Nigeria on 11 January 2011; whereas on 24 December 2010 there were attacks against several churches in Maiduguri and on 25 December 2010 there were bomb attacks in the Nigerian city of Jos, which led to the killing of 38 civilians while dozens of others were wounded; whereas on 21 December 2010 men armed with swords and machetes assaulted a group of local Christian villagers, killing three and leaving two wounded, in Turu, Nigeria; whereas on 3 December 2010 seven Christians, including women and children, were found dead, whilst four others were left wounded in a attack in the city of Jos, Nigeria,
- F. whereas the assassination of Salmaan Taseer, Governor of Punjab, on 4 January 2011 as well as the case of Asia Noreen in Pakistan provoked protests by the international community,
- G. whereas a terrorist attack on Coptic Christians killed and injured innocent civilians in Alexandria on 1 January 2011,
- H. whereas on 25 December 2010 a priest and a 9-year-old girl were among the total number of 11 wounded when a bomb was set off inside a chapel on Christmas Day, in Sulu, Philippines,
- I. whereas the celebration of Christmas Mass in the villages of Rizokarpaso and Ayia Triada in the northern part of Cyprus was interrupted by force on 25 December 2010,
- J. whereas on 30 December 2010 jihadi terrorist attacks against Assyrian Christian families left at least two dead and 14 wounded in a series of coordinated bomb attacks on Christian homes in Baghdad, Iraq; whereas on 27 December 2010 a roadside bomb killed an Assyrian Christian woman and wounded her husband in Dujail, Iraq; whereas two Iraqi Christians were killed in Mosul on 22 November 2010; whereas a series of attacks targeting Christian areas killed innocent civilians in Baghdad on 10 November 2010; whereas 52 people died, amongst them women and children, in the massacre of 1 November 2010 at the Syrian Catholic Church of Our Lady of Deliverance in Baghdad,

Thursday 20 January 2011

- K. whereas the Iranian Government has stepped up its campaign against Christians in the Islamic Republic, with more than 100 arrested in the past month, forcing many to flee the country or face criminal charges and a possible death sentence,
- L. whereas in Vietnam too, the activities of the Catholic Church and of other religious communities have been severely repressed, as is demonstrated by the serious situation facing the communities of Vietnamese 'montagnards'; whereas, however, the change of heart by the Vietnamese regime concerning the case of Father Nguyen Van Ly, resulting in his release, can be welcomed,
- M. whereas attacks by violent Islamist extremists are also attacks on the current regime of the states concerned, aiming to create unrest and to start civil war between the different religious groups,
- N. whereas Europe, like other parts of the world, is not exempt from cases of violation of freedom of religion, attacks on members of religious minorities on the basis of their beliefs, and religiously motivated discrimination,
- O. whereas inter-community dialogue is crucial to promoting peace and mutual understanding between peoples,
1. Condemns the recent attacks on Christian communities in various countries and expresses its solidarity with the families of the victims; expresses its deep concerns about the proliferation of episodes of intolerance, repression and violent events directed against Christian communities, particularly in the countries of Africa, Asia and the Middle East;
  2. Welcomes the efforts made by the authorities of the countries concerned to identify the authors and perpetrators of the attacks on Christian communities; urges the governments to ensure that perpetrators of these crimes and all persons responsible for the attacks, as well as for other violent acts against Christians or other religious or other minorities, are brought to justice and tried by due process;
  3. Strongly condemns all acts of violence against Christians and other religious communities as well as all kinds of discrimination and intolerance based on religion and belief against religious people, apostates and non-believers; stresses once again that the right to freedom of thought, conscience and religion is a fundamental human right;
  4. Is concerned about the exodus of Christians from various countries, especially Middle Eastern countries, in recent years;
  5. Expresses its concerns about the fact that the Pakistani blasphemy law, which was publicly opposed by the late Governor Salman Taseer, is still used to persecute religious denominations, including Christians such as Asia Noreen, a Christian mother of five sentenced to death, and that the murderer of Governor Salman Taseer is treated by large sections of Pakistani society as a hero;
  6. Welcomes the Egyptian public opinion reaction which vigorously condemned the terrorist act and rapidly grasped that the attack was plotted to undermine the deep rooted traditional bonds between Christians and Muslims in Egypt; welcomes the joint demonstrations by Coptic Christians and Muslims in Egypt to protest against the attack; welcomes also the public condemnation of the attack by the President of Egypt Hosni Mubarak, the Grand Sheikh of Al-Azhar and the Grand Mufti of Egypt;
  7. Condemns the interruption by force of the Christmas Mass celebrated on Christmas Day by the remaining 300 Christians in the northern part of Cyprus by the Turkish authorities;
  8. Expresses its grave concerns about the abuse of religion by the perpetrators of terrorist acts in several areas of the world; denounces the instrumentalisation of religion in various political conflicts;



Thursday 20 January 2011

9. Urges the authorities of states with alarmingly high levels of attacks against religious denominations to take responsibility in ensuring normal and public religious practices for all religious denominations, to step up their efforts to provide reliable and efficient protection for the religious denominations in their countries and to ensure the personal safety and physical integrity of members of religious denominations in the country, thereby complying with the obligations to which they have already committed themselves within the international arena;
  10. Stresses once again that respect for human rights and civil liberties, including freedom of religion or belief, are fundamental principles and aims of the European Union and constitute a common ground in its relations with third countries;
  11. Calls on the Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the European Commission to pay increased attention to the subject of freedom of religion or belief and to the situation of religious communities, including Christians, in agreements and cooperation with third countries as well as in human rights reports;
  12. Invites the forthcoming External Affairs Council on 31 January 2011 to discuss the question of the persecution of Christians and respect for religious freedom or belief, which discussion should give rise to concrete results, especially as regards the instruments that can be used to provide security and protection for Christian communities under threat, wherever in the world they may be;
  13. Calls on the High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the European Commission to develop as a matter of urgency an EU strategy on the enforcement of the human right to freedom of religion, including a list of measures against states who knowingly fail to protect religious denominations;
  14. Asks the High Representative, in light of recent events and the increasing necessity for analysing and understanding the evolution of cultural and religious developments in international relations and contemporary societies, to develop a permanent capacity within the human rights directorate of the European External Action Service to monitor the situation of governmental and societal restrictions on religious freedom and related rights, and to report annually to Parliament;
  15. Calls for the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the European Commission and Parliament to include a chapter on religious freedom in their Annual Human Rights report;
  16. Urges EU institutions to comply with the obligation under Article 17 of the TFEU to maintain an open, transparent and regular dialogue with churches and religious, philosophical and non-confessional organisations, in order to ensure that the issue of the persecution of Christians and other religious communities is a priority issue which is discussed on a systematic basis;
  17. Calls on the leadership of all religious communities in Europe to condemn attacks on Christian communities and other faith groups on the basis of equal respect for each denomination;
  18. Reiterates its support for all initiatives aimed at promoting dialogue and mutual respect between religious and other communities; calls on all religious authorities to promote tolerance and to take initiatives against hatred and violent and extremist radicalisation;
  19. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the European Commission, the parliaments and governments of the Member States, the parliament and government of Egypt, the parliament and government of Iran, the parliament and government of Iraq, the parliament and government of Nigeria, the parliament and government of Pakistan, the parliament and government of the Philippines, the parliament and government of Vietnam, and the Organisation of the Islamic Conference.
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Thursday 20 January 2011

**Situation in Belarus**

P7\_TA(2011)0022

**European Parliament resolution of 20 January 2011 on the situation in Belarus**

(2012/C 136 E/12)

*The European Parliament,*

- having regard to its previous resolutions on the situation in Belarus, in particular that of 17 December 2009 on Belarus <sup>(1)</sup>,
  - having regard to Council decision 2010/639/CFSP of 25 October 2010 concerning restrictive measures against certain officials of Belarus <sup>(2)</sup>, extending both the restrictive measures and suspension until 31 October 2011,
  - having regard to the Conclusions of the Foreign Affairs Council of 25 October 2010,
  - having regard to the Statement of the preliminary findings and conclusions on the presidential election in Belarus by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the OSCE Parliamentary Assembly (OSCE PA) as of 20 December 2010,
  - having regard to Rule 110 of its Rules of Procedure,
- A. whereas the Prague Declaration of the Eastern Partnership Summit reaffirms the commitments, inter alia of Belarus, to the principles of international law and to fundamental values, including democracy, the rule of law and respect for human rights and fundamental freedoms,
- B. whereas the Council, on 25 October 2010, 'called on the Belarusian authorities to ensure that the (presidential) elections are conducted in line with international norms and standards for democratic elections and Belarus's commitments in the OSCE and the UN',
- C. whereas Belarus has committed itself to consider the recommendations made by the OSCE and its Office for Democratic Institutions and Human Rights (ODIHR) regarding improvements to its electoral law in order to bring it into line with international standards for democratic elections and to consult about the proposed amendments with the OSCE; whereas the National Assembly of Belarus passed a reform of the Electoral Code without prior consultation of the OSCE,
- D. whereas the Council 'reaffirmed its readiness to deepen its relations with Belarus depending on developments in Belarus towards democracy, human rights and the rule of law as well as its readiness to assist the country in attaining these objectives. Subject to progress in Belarus in these areas, it stood ready to take steps towards upgrading contractual relations with Belarus',
- E. whereas the Council, after evaluating developments in Belarus, has decided to extend the restrictive measures against certain Belarusian officials but to suspend the application of the restrictions on travelling to the EU, both until 31 October 2011,
- F. whereas according to the OSCE PA and OSCE/ODIHR 'Statement of the preliminary findings and conclusions on the presidential election in Belarus' some improvements took place in the run-up to the elections but they were overshadowed by the serious irregularities on the voting day and the violence that erupted on the night of 19 December 2010,

<sup>(1)</sup> OJ C 286 E, 22.10.2010, p. 16.

<sup>(2)</sup> OJ L 280, 26.10.2010, p. 18.

Thursday 20 January 2011

- G. whereas over 700 persons were detained for their participation in the demonstration on 19 December 2010 in Minsk, most of whom have been released after serving short administrative sentences while 24 opposition activists and journalists, including 6 presidential candidates, have been charged for 'organising mass disorder' accompanied by violent attacks and armed resistance that could carry prison sentences of up to 15 years; whereas a further 14 persons may soon be charged,
- H. whereas the police crackdown on the demonstration of 19 December 2010 and further measures taken by the law enforcement agencies against democratic opposition, free media and civil society activists were condemned by the President of the European Parliament, the EU High Representative and the UN General Secretary,
- I. whereas the lawyers representing protesters, the political opposition or their families are faced with the threat of losing their licence/being debarred,
1. Considers, in line with the findings of the Preliminary Conclusions of the OSCE PA and OSCE/ODIHR, that the Presidential elections of 19 December 2010 failed to meet international standards of free, fair and transparent elections; considers this vote as yet another missed opportunity for a democratic transition in Belarus and calls, in the light of numerous and serious irregularities reported by OSCE/ODIHR, that new elections be held on the free and democratic conditions according to the OSCE standards;
2. Condemns the use of brutal force by the police and KGB services against the protesters on Election Day, in particular expresses its indignation over a brutal attack on Mr Niakliayeu, both examples of the severe violation of basic democratic principles, such as freedom of assembly and freedom of expression, as well as of human rights, and expresses its concern at the attempts of the Belarusian authorities to take into state custody Danil Sannikov, three-year-old son of the Presidential candidate Andrei Sannikov, and Irina Khalip, an investigative journalist, who have both been jailed since the 19 December 2010 election; is particularly concerned about the health of Mikalay Statkevich, who has been on hunger strike for the last 31 days;
3. Strongly condemns the arrest and detention of peaceful protesters and most of the presidential candidates (e.g. Uladzimir Niakliayeu, Andrei Sannikov, Mikalay Statkevich and Aleksey Michalevich); the leaders of the democratic opposition (e.g. Pavel Sevyarynets and Anatoly Lebedko), as well as great number of civil society activists, journalists, teachers and students facing sentences up to 15 year prison; calls for an independent and impartial international investigation into the events under the auspices of the OSCE; calls for politically motivated charges to be immediately dropped;
4. Condemns the repressions and urges the Belarusian authorities to stop immediately all forms of harassment, intimidation or threats against civil society activists including raids, searches and confiscation of materials in private apartments, outlets of independent media and offices of civil society organisations as well as expulsions from universities and workplaces;
5. Demands an immediate and unconditional release of all those detained during Election Day and in its aftermath including the prisoners of conscience recognised by Amnesty International; calls on the Belarusian authorities to provide unhindered access for the detainees to relatives, legal assistance and medical care;
6. Regrets the decision of the Belarusian authorities to terminate the mission of the OSCE Office in Belarus and calls on the Belarusian authorities to withdraw this decision;
7. Condemns the blockage of a number of major Internet websites, including networking channels and opposition websites, on Election Day in Belarus; underlines that current media legislation in Belarus does not comply with the international standards and therefore calls on the Belarusian authorities to revise and amend it;
8. Calls on the Council, the Commission and the EU High Representative to review EU policy towards Belarus including consideration of targeted economic sanctions and the freezing of all the macrofinancial aid

Thursday 20 January 2011

provided via IMF loans as well as lending operations by the EIB and EBRD programmes; underlines that the orientation of the ENP and national assistance for Belarus should be redirected in order to ensure appropriate support for civil society; reiterates the importance of the effective use of the European Instrument for Democracy and Human Rights;

9. Calls on the Commission to support, with all financial and political means, the efforts of Belarusian civil society, independent media (including TV Belsat, European Radio for Belarus, Radio Racja and others) and non-governmental organisations in Belarus to promote democracy and oppose the regime; sees the necessity to step up and facilitate the relations of Belarusian NGOs with the international NGO community; at the same time calls on the Commission to halt ongoing cooperation and to withdraw its assistance provided to the state-owned media in Belarus; at the same time, the Commission should finance the reprinting and distribution of poetry books by Uladzimir Niakliayeu which were recently confiscated and thrown into fire by the Belarusian authorities;

10. Calls on the European Commission to develop a mechanism of registration of NGOs that are denied registration in Belarus for political reasons, in order to enable them to benefit from the EU programmes;

11. Urges the Commission to continue and increase financial aid to the European Humanities University (EHU) based in Vilnius, Lithuania, to increase the number of scholarships for Belarusian students, repressed for their civic activities and expelled from universities and to contribute to the 'Solidarity with Belarus' donors' conference in Warsaw (2/02/2011) and the following conference in Vilnius (3-4/02/2011);

12. Calls on the Council, the Commission and the EU High Representative to immediately re-apply the visa ban on the Belarusian leading authorities expanding it to the state officials, members of judiciary and security officers who can be considered responsible for the vote-rigging and post-election brutal repressions and arrests of the members of the opposition and to freeze their assets; points out the sanctions should remain in force minimum until all political prisoners and detainees are released and exempted from charges; welcomes the good example of the Polish Government which imposed its own travel restrictions to the representatives of the Minsk regime and at the same time simplified access to the European Union for the Belarusian citizens;

13. Calls on the Council to consider the possibility of suspending Belarusian participation in the Eastern Partnership activities no later than at the Eastern Partnership summit in Budapest if it there is not an acceptable explanation and considerable improvement of the situation in Belarus; this suspension not apply to NGOs and civil society;

14. Calls on the Commission and the Council to intensify work on the negotiations directives for the readmission agreement and for visa facilitation, which include affordable visa fees order to enhance people-to-people contacts;

15. Expects EU Member Countries not to weaken the EU action with bilateral initiatives with the Belarusian regime that undermine the credibility and effectiveness of the European foreign policy;

16. Expresses its opinion that sport events, like the World Ice Hockey Championships in 2014, should not be held in Belarus while there are political prisoners in that country;

17. Regrets the move on the part of the Russian Federation in recognising the elections and description of the repression as an 'internal affair'; recommends that the European Commission engage in dialogue, consultations and political coordination with the non-EU neighbours of Belarus, who traditionally have special relations with that country and are also partners of the EU, namely Russia and Ukraine, in order to maximise the efficiency of EU policy towards Belarus and to cooperate in properly balancing the reaction against the democratic deficit and human rights violations in Belarus with the need to avoid the latter's international isolation;

18. Instructs its President to forward this resolution to the Council, the Commission, EU HR, EU Member States, the President, Government and Parliament of Belarus and the Parliamentary Assemblies of the Council of Europe and the OSCE.

Thursday 20 January 2011

## Report on competition policy 2009

P7\_TA(2011)0023

### European Parliament resolution of 20 January 2011 on the Report on Competition Policy 2009 (2010/2137(INI))

(2012/C 136 E/13)

*The European Parliament,*

- having regard to the Commission Report on Competition Policy 2009 (COM(2010)0282) and the Commission Staff Working Document accompanying the Commission Report on Competition Policy 2009 (SEC(2010)0666),
- having regard to Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty <sup>(1)</sup>,
- having regard to Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (EC Merger Regulation) <sup>(2)</sup>,
- having regard to the Commission Communication of 13 October 2008 on the application of State aid rules to measures taken in relation to financial institutions in the context of the current global financial crisis <sup>(3)</sup> (the Banking Communication),
- having regard to the Commission Communication of 5 December 2008 on the recapitalisation of financial institutions in the current financial crisis: limitation of aid to the minimum necessary and safeguards against undue distortions of competition <sup>(4)</sup> (the Recapitalisation Communication),
- having regard to the Commission Communication of 25 February 2009 on the treatment of impaired assets in the Community banking sector <sup>(5)</sup> (the Impaired Assets Communication),
- having regard to the Commission Communication of 23 July 2009 on the return to viability and the assessment of restructuring measures in the financial sector in the current crisis under the State aid rules <sup>(6)</sup> (the Restructuring Communication), these four last Communications hereinafter mentioned together as ‘the four Communications for the financial sector’,
- having regard to the Commission Communication of 17 December 2008 on a temporary Community framework for State aid measures to support access to finance in the current financial and economic crisis <sup>(7)</sup> (the Temporary Framework),
- having regard to the Commission Communication of 9 February 2009 entitled ‘Guidance on the Commission’s enforcement priorities in applying Article 82 of the EC Treaty to abusive exclusionary conduct by dominant undertakings’ <sup>(8)</sup>,

<sup>(1)</sup> OJ L 1, 4.1.2003, p. 1.

<sup>(2)</sup> OJ L 24, 29.1.2004, p. 1.

<sup>(3)</sup> OJ C 270, 25.10.2008, p. 8.

<sup>(4)</sup> OJ C 10, 15.1.2009, p. 2.

<sup>(5)</sup> OJ C 72, 26.3.2009, p. 1.

<sup>(6)</sup> OJ C 195, 19.8.2009, p. 9.

<sup>(7)</sup> OJ C 16, 22.1.2009, p. 1.

<sup>(8)</sup> OJ C 45, 24.2.2009, p. 7.

Thursday 20 January 2011

- having regard to the Commission Notice on a Best Practices Code on the conduct of State aid control proceedings <sup>(1)</sup>, the Commission Notice on a simplified procedure for the treatment of certain types of State aid <sup>(2)</sup> and the Commission Notice on the enforcement of State aid law by national courts <sup>(3)</sup> (Simplification Package),
  - having regard to the Commission Guidelines on State aid for environmental protection <sup>(4)</sup>,
  - having regard to the State Aid Scoreboards for Spring 2009 (COM(2009)0164), Autumn 2009 (COM(2009)0661) and Spring 2010 (COM(2010)0255),
  - having regard to its resolutions of 10 March 2009 on the Reports on Competition Policy 2006 and 2007 <sup>(5)</sup> and of 9 March 2010 on the Report on Competition Policy 2008 <sup>(6)</sup>,
  - having regard to its resolution of 26 March 2009 on food prices in Europe <sup>(7)</sup>,
  - having regard to Parliament's declaration of 19 February 2008 on investigating and remedying abuse of power by large supermarkets operating in the European Union <sup>(8)</sup>,
  - having regard to Rules 48 of its Rules of Procedures,
  - having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on Industry, Research and Energy, the Committee on the Internal Market and Consumer Protection and the Committee on Transport and Tourism (A7-0374/2010),
- A. whereas the exceptional circumstances of the last two years' financial and economic crisis have called for exceptional measures; whereas the Commission's efforts have helped to stabilise financial markets while at the same time protecting the integrity of the Single Market,
- B. whereas in times of crisis it is essential to ensure financial stability, re-establish credit flows and reform the financial system in order for markets to function well, and whereas competition rules should therefore be applied flexibly but strictly,
- C. whereas protectionism and non-enforcement of competition rules would only deepen and prolong the crisis,
- D. whereas competition policy is an essential tool to enable the EU to have a dynamic, efficient and innovative internal market and to be competitive on the global stage, as well as to overcome the financial crisis,
- E. whereas the growing budget deficits and increased levels of public debt in many Member States may slow down economic recovery and economic growth for years to come,
- F. whereas Member States' governments, as a response to the financial crisis, have granted a sizable amount of State aid in the form, for example, of guarantee schemes, recapitalisation schemes and complementary forms of liquidity support on bank funding; whereas these measures have provided banks with a significant source of funding and insurance against the risks usually faced by the financial sector,
- G. whereas empirical analyses suggest that this State aid has generated a number of effects and distortions, such as a reduction of the spread of private bonds, which need to be taken into account when considering extending the aid or prolonging the exceptional rules currently in force,

<sup>(1)</sup> OJ C 136, 16.6.2009, p. 13.

<sup>(2)</sup> OJ C 136, 16.6.2009, p. 3.

<sup>(3)</sup> OJ C 85, 9.4.2009, p. 1.

<sup>(4)</sup> OJ C 82, 1.4.2008, p. 1.

<sup>(5)</sup> OJ C 87 E, 1.4.2010, p. 43.

<sup>(6)</sup> OJ C 349 E, 22.12.2010, p. 16.

<sup>(7)</sup> OJ C 117 E, 6.5.2010, p. 180.

<sup>(8)</sup> OJ C 184 E, 6.8.2009, p. 23.

Thursday 20 January 2011

- H. whereas tax governance is an important factor in maintaining favourable conditions for competition and in enhancing the functioning of the internal market,
- I. whereas competition is still imperfect in the energy sector, agricultural production and other sectors,
- J. whereas the successful development of SMEs under conditions of free competition is one of the most essential preconditions for overcoming the financial crisis effectively,

#### **General remarks**

1. Welcomes the Report on Competition Policy 2009;
2. Is pleased to note that the Commission was quick to react to the crisis; congratulates the Commission on its effective use of competition policy measures in exceptional circumstances;
3. Continues to support a more active role for Parliament in the shaping of competition policy through the introduction of a co-legislative role; asks for Parliament to be informed regularly of any initiatives in this field;
4. Calls once again on the Commission, as the sole EU-wide competent competition authority, to report to Parliament in detail and annually about the follow-up to Parliament's recommendations and to explain any departure from Parliament's recommendations; notes that the response by the Commission to Parliament's 2008 Competition Report is a mere summary of actions taken and does not provide any insight into the effectiveness of the measures;
5. Stresses that an EU competition policy based on the principles of open markets and a level playing field in all sectors is a cornerstone of a successful internal market and a precondition for the creation of sustainable and knowledge-based jobs;
6. Underlines its calls for consistency between all EU policies and the priorities set out in the EU 2020 strategy for growth and jobs; underscores that this is of special importance as regards competition policy;
7. Stresses the importance of services of general interest in meeting the basic needs of the public; requests the Commission to consider the framework provided by the Lisbon Treaty when concluding its work on applying EU competition rules on services of general economic interest and asks to be closely involved in the Commission's follow-up to the open consultation on State aid rules on Services of general economic interest;
8. Stresses the need to draft clear competition rules that are helpful and useful for SMEs;
9. Points out that SMEs are particularly important for the whole European economy; stresses, furthermore, the major innovation potential of SMEs and reiterates its previous request to the Commission to include a dedicated chapter with a focus on fair and non-discriminatory competition conditions for SMEs;
10. Calls on the Commission to make use of independent, reliable expertise for the evaluations and studies required for the development of competition policy; urges it to publish the results;
11. Asks the Commission to ensure that Article 12 of the Treaty on the Functioning of the European Union, which stipulates that 'consumer protection requirements shall be taken into account in defining and implementing other Union policies and activities', is implemented under future internal market legislation;
12. Calls on the Commission, in its annual report on competition policy, to give greater emphasis to the advantages of competition for consumers;



Thursday 20 January 2011

13. Welcomes with interest the Report on the functioning of Council Regulation (EC) No 1/2003 submitted by the Commission five years after its entry into force and, while agreeing that it constitutes a keystone in the process of modernising competition rules and coordinating action by the EU and national authorities, notes the need to overcome differences of opinion concerning the establishment of priorities, important aspects of the development of competition policy and the functioning of cooperation systems in order to ensure more effective implementation;

14. Stresses the need for developing synergies between competition and consumer protection policies, including creating a European form of collective redress for individual victims of competition law violations, based on the opt-in principle and taking into account the criteria laid down in Parliament's resolution of 26 March 2009, stipulating that compensation should be paid to the identified group of people or their nominee only for the damage actually suffered; calls on the Commission to consider the ways in which such a mechanism could be incorporated into existing national legal systems;

15. Recalls its resolution of 25 April 2007 on the Green Paper on damages actions for breach of the EC antitrust rules <sup>(1)</sup> and stresses that the pending legislative proposal in relation thereto should include the content of Parliament's resolution of 26 March 2009 on the White Paper on damages actions for breach of the EC antitrust rules <sup>(2)</sup>; stresses the need for the Commission to propose legislation, without watering it down unnecessarily, to facilitate individual and class-action claims for effective compensation for damages resulting from breaches of EU antitrust law; such legalisation must be cross-cutting in nature, avoid the excesses of the North American system and be adopted using the ordinary legislative procedure (codecision);

16. Underlines that it has supported the Commission's request for more resources to be allocated to Commission staff in the area of competition in the 2011 budget; asks to be informed about how the additional resources have been used; recalls its request to reassign current Commission staff to the core competences of the Commission;

17. Stresses that the implementation of a successful competition policy and the unrestricted functioning of the internal market are essential preconditions for sustainable economic growth in the European Union;

18. Underlines that the current drive for fiscal consolidation and sustainable recovery should be used by Member States in order to progress towards a more level fiscal playing field;

19. Considers that competition policy should contribute to promoting and enforcing open standards and interoperability in order to prevent technological lock-in of consumers and clients by a minority of market players;

#### ***Focus Chapter: Competition Policy and the Financial and Economic Crisis***

20. Welcomes the temporary State aid rules established in response to the financial and economic crisis, namely the four Communications for the financial sector and the Temporary Framework directed at the other sectors; notes the extension for one additional year of the application of the temporary State aid measures;

21. Is concerned that these measures, which are temporary in nature, might ultimately not be that temporary; emphasises the need to discontinue temporary measures and exemptions as soon as possible, particularly in the automotive sector; urges the Commission to provide clarity on the phasing out criteria that will be used to decide on their possible extension;

22. Calls on the Commission to reconsider whether the existing temporary framework is making an effective contribution to ensuring a level playing field throughout the Union and whether discretionary application of the framework produces an optimal outcome in this respect;

23. Urges the Commission to prepare a detailed evaluation of decisions adopted within the framework of the application of the temporary State aid measures in response to the economic and financial crisis, taking into account the scope, degree of transparency and consistency of the different measures which are based on the framework, and to annex that evaluation to its next annual competition report;

<sup>(1)</sup> OJ C 74 E, 20.3.2008, p. 653.

<sup>(2)</sup> OJ C 117 E, 6.5.2010, p. 161.

Thursday 20 January 2011

24. Reiterates its request to the Commission to publish, during the course of 2010, a comprehensive report on the effectiveness of State aid granted for 'green recovery' and State aid for environmental protection;
25. Stresses the need to restore the competitive position of financial institutions which did not have recourse to the temporary rules on State aid;
26. Calls on the Commission to ensure that banks reimburse State aid as soon as the financial sector has recovered, ensuring fair competition within the internal market and a level playing field with regard to exit conditions;
27. Urges the Commission to clarify the binding restructuring measures related to potential distortive effects resulting in differences in repayment conditions between Member States;
28. Stresses, however, that the ongoing consolidation in the banking sector has actually increased the market share of several major financial institutions and therefore urges the Commission to maintain a close watch on the sector in order to enhance competition in European banking markets, including restructuring plans that require the separation of banking activities in cases where retail deposits have been used to cross-subsidise riskier investment banking activities;

#### ***Review of temporary State aid rules adopted in response to the crisis***

29. Urges the Commission to produce a study which demonstrates the impact of the State aid measures on the economy;
30. Urges the Commission to provide Parliament with a thorough analysis of the impacts on competition of State aid during the crisis;
31. Urges the Commission, following such a comprehensive impact assessment, to implement corrective measures whenever required in order to ensure a level playing field within the single market;
32. Calls on the Commission to undertake a thorough analysis of the consequences of the revised State aid mechanisms adopted in response to the crisis, as regards competition and maintaining a level playing field in the EU, financial reform and job creation;
33. Calls on the Member States to cooperate actively with the Commission in developing and evaluating the temporary rules established in response to the financial and economic crisis by providing timely, detailed reports on their implementation and effectiveness; urges the Commission to conduct an assessment of how they work and to draw up a study on the impact of measures taken by third countries on the European Union;
34. Calls on the Commission to ensure maximum transparency and adhere strictly to the non-discrimination principle in approving State aid and prescribing divestment measures;
35. Asks the Commission to produce a study looking into ECB liquidity support's possible impact in terms of distortion of competition;
36. Calls on the Commission to closely monitor the M3 money supply with regard to State aid that has been approved in order to prevent an unintended overcapitalisation of companies which would subsequently distort competition;

#### ***State aid control***

37. Notes that State aid policy is an integral part of competition policy and that State aid control reflects the need to maintain a level playing field for all undertakings carrying out activities in the single market;

Thursday 20 January 2011

38. Stresses that it is important for the Commission to monitor the use of State aid carefully in order to ensure that these support arrangements are not used to protect national industries in a manner detrimental to the internal market and European consumers;
39. Considers it essential, when assessing whether State aid is compatible with the Treaty, to find the right balance between the negative effects of State aid on competition and public finances and its positive effects in terms of common interests;
40. Calls for the establishment of clear criteria for divestments, taking into account the medium-term impact of divestments on the firms involved, namely on growth, innovation and employment as well as in terms of the reduction of those firms' role in the global market;
41. Urges the Commission to carefully inspect fiscal State aid regimes in force in certain Member States to check their non-discriminatory and transparent nature;
42. Calls on the Commission to re-establish and enhance its fiscal State aid unit;
43. Considers that in order to enable the Commission to better identify harmful tax competition regimes, it is essential that the decision on automatic notification of tax rulings taken by the EU code of conduct for business taxation working group in 2002 (Council doc. 11077/02) is fully implemented by Member States;
44. Notes with concern that the recovery of illegal State aid remains a lengthy and cumbersome process; encourages the Commission to tighten up procedures further and to keep up the pressure on Member States, in particular on repeat offenders;
45. Urges the Commission to examine the extent to which a too generous allocation of free EUA (European Union Allowances) permits in certain sectors may distort competition, given that these permits, whose efficiency has diminished since the slowdown of economic activity, have generated windfall profits for certain companies while reducing their incentives to play their part in the transition to an eco-efficient economy;
46. Underlines that State aid should be channelled primarily into promoting common-interest projects within the Union, such as the deployment of broadband and energy infrastructures;
47. Welcomes the adoption of the Guidelines for broadband networks which cover State aid for basic broadband networks (ADSL, cable, mobile, wireless or satellite broadband services) and support for very high speed NGA networks (fibre-based or advanced upgraded cable networks at the current stage), and asks the Commission and Member States to disseminate and promote best practices and increase competition;
48. Calls on the Commission – bearing in mind that completion of the internal market for all transport modes is needed – to publish a report with an overview of all State aid offered to the public transport sector;
49. Reiterates its support for the Commission guidelines on State aid for environmental protection in the field of transport, with a view to bolstering sustainability in the European transport sector; encourages the Commission to enhance the incentive-based nature of the State aid authorised in the field of transport;

**Antitrust**

50. Welcomes the firm stance the Commission has taken on anti-competitive behaviour in recent years;
51. Welcomes the extension of the Vertical Block Exemption Regulation, since this ensures a balance between manufacturers and distributors; points out, however that the Commission has failed to take sufficient account of the specific circumstances relating to online sales, particularly with regard to the Digital Agenda and in view of its current efforts to complete the internal market for e-commerce;

Thursday 20 January 2011

52. Points out in particular that, in the light of the market monitoring measures currently being followed by the Commission, the admissibility under antitrust legislation of joint purchases by large distributors operating at international level is debatable;

53. Points out, however, that non-compliance with the binding duration of competition clauses is in fact not at all uncommon, and calls on the Commission to pay particular attention to such inadmissible practices;

54. Invites the Commission to consider, within the integrated regulatory framework on the protection of intellectual property rights, the use of competition legislation as a tool for preventing any abuse of IPRs;

55. Urges the Commission, in order to ensure the proper functioning of the internal market and the uniform application of competition rules in the EU, to take due notice of the rulings of the national courts in the application of competition law and to this end to adopt any measures necessary to achieve this objective;

56. Recalls that cartels represent some of the most serious violations of competition law; believes that such infringements of competition law run counter to the interests of EU citizens since they do not allow consumers to benefit from lower prices;

57. Reiterates its call on the Commission to improve coordination between the competition law approach and the consumer law approach in its initiatives;

58. Calls on the Commission to evaluate the impact of behavioural measures on competition and the consequences of these measures for customers and consumers;

59. Urges the Commission to take a closer look at trickle-down economics when analysing possible abuses of dominant positions, when it discovers that the dominant position has not been abused;

60. Believes that the use of ever higher fines as the sole antitrust instrument may be too blunt, not least in view of the job losses that may result from an inability to make payments, and calls for the development of a wider range of more sophisticated instruments covering such issues as individual responsibility, transparency and accountability of firms, shorter procedures, the right of defence and due process, mechanisms to ensure the effective operation of leniency applications (in particular to overcome the interference caused by discovery processes in the US), corporate compliance programmes and the development of European standards; favours a 'carrot-and-stick' approach with penalties that serve as an effective deterrent, in particular for repeat offenders, while encouraging compliance;

61. Calls on the Commission once more, if appropriate, to incorporate the basis for calculating fines and the new fining principles into Regulation (EC) No 1/2003;

62. Invites the Commission to launch a general investigation into the pricing of iron ore;

### ***Merger control***

63. Stresses, more than five years after the entry into force of Regulation (EC) No 139/2004 on the control of concentrations between undertakings, the importance of identifying areas where red tape can be reduced and where further convergence between the applicable national and EU rules can be achieved;

64. Emphasises that the current economic crisis does not justify a relaxation of EU merger control policies;

65. Underlines that the application of competition rules to mergers must be evaluated from the perspective of the entire internal market;

Thursday 20 January 2011

***Sector developments***

66. Calls for the Commission to monitor developments in commodity-related markets following the conclusions of the European Council of June 2008 (paragraph 40) and, where appropriate, to tackle speculation;

67. Recognises that high market concentration and a lack of transparency in commodity markets can significantly hamper competition and adversely affect European industry; calls on the Commission therefore to analyse commodity markets, such as those for iron ore and particularly for the 14 critical raw materials identified by the Commission, with a view to establishing to what extent these markets require more transparency and competition, since some of these commodities are of paramount importance for the deployment of eco-efficient technologies (such as photovoltaic panels and lithium-ion batteries);

68. Affirms that transparency is an essential prerequisite for financial markets to work properly; calls on the Commission to go to great lengths to ensure that data on financial markets is disclosed in full compliance with the provisions of EU competition law and, in this regard, welcomes the initiatives to prevent abuse of ISIN and RIC securities identifier codes;

69. Urges the Commission to supervise SEPA (the Single Euro Payments Area) so as to ensure that the payment system is accessible, non-discriminatory, transparent and efficient and in no way hinders competition; calls for the close monitoring of the aspects of the system affecting EU competition policy;

70. Asks the Commission to continue efforts to ensure effective competition on the payment cards markets, in accordance with the principles of SEPA, with a view to facilitating cross-border payments and maximising the potential of the internal market; calls for the systematic monitoring of developments on these markets and for the annual competition reports to include progress indicators in this regard;

71. Believes that breaches of competition law on the payment cards market affect consumers in a negative way; supports the Commission in its efforts to fight against unusually high cross-border multilateral interchange fees, which result in higher product prices for consumers;

72. Regrets that energy consumers in the EU continue to suffer from a distorted energy market; stresses that effective competition in energy markets leads to greater innovation, a more secure and more affordable energy supply and less environmental impact; observes that persistent obstacles in the energy sector include insufficient interconnection, lack of transparency in the transmission system through which operators allocate power to producers, and different definitions of service recipient categories among Member States;

73. Invites the Commission to monitor closely the implementation of the third energy liberalisation package by Member States and to assess its effectiveness in creating a functioning internal market; encourages the Commission to initiate a further inquiry into the energy sector if the assessment comes to a negative conclusion;

74. Highlights the particular importance of information and communications technology for innovation, maximising the potential of the digital economy and developing the knowledge society; considers it to be of the highest importance to ensure interoperability, facilitate the development of networks and keep markets open in order for economic operators to compete on the merits of their products;

75. Recalls that digital convergence and the growing importance of interoperability and standards are key issues for ICT in the increasingly inter-connected global environment; underlines, furthermore, the importance of continuously ensuring free competition in the field of ICT as new digital products and services appear on the market; calls, therefore, on the Commission to address these issues in the upcoming guidelines on horizontal cooperation agreements;

Thursday 20 January 2011

76. Supports the Commission's measures encouraging the provision of adequate broadband coverage at affordable prices to all European citizens and calls on it to redouble its efforts to keep cross-border roaming charges for electronic communication under control and to include details of progress towards that end in its annual competition reports;

77. Stresses the new and important role of competition policy in the digital economy; asks the Commission closely to follow technological developments in the digital market and to react swiftly where necessary in order to keep digital platforms as open as possible by strictly applying competition rules;

78. Underlines the importance of promoting an internal digital market; emphasises in this regard the importance of promoting consumer trust in and access to online services, in particular by improving consumer rights and the protection of private information and by removing any remaining obstacles to online cross-border trade and transactions;

79. Calls on the Commission to make sure that NRAs in the telecommunications sector follow its recommendation on call termination rates, in to eliminate distortion of competition; urges the Commission to consider further measures if the expected results – i.e. lower consumer prices – are not forthcoming;

80. Notes Regulation (EC) No 544/2009 on intra-Community roaming fees, which entered into force on 1 July 2010, thereby bringing consumers benefits from reductions in the prices for voice and SMS roaming services; points out, however, that competition in the roaming markets has not yet developed sufficiently and that structural problems persist; asks the Commission to envisage in its 2011 review the option of totally abolishing intra-EU roaming fees;

81. Regrets the instances of non-transparent auctioning of new, fourth-generation mobile frequencies in some Member States; encourages the Commission to continue monitoring very closely the activities of Member States in this regard and requiring Member States to carry out a thorough analysis of the impact of spectrum decisions on competition and to take appropriate measures to prevent anti-competitive outcomes in line with the amended GSM Directive, thereby ensuring a level playing field for market participants and new entrants;

82. Acknowledges the revised Broadcasting Communication of July 2009, which reaffirms the competence of the Member States to define the remit, funding and organisation of public service broadcasting while acknowledging the Commission's responsibility to control manifest errors, and calls on Member States to maintain a balance amongst the digital media services on offer and ensure fair competition, and thus to preserve a vibrant media landscape in the online environment;

83. Invites the Commission to report on, and speed up progress on its investigations into, the application of State aid rules to the postal sector;

84. Stresses the need for closer cooperation between the Commission and national competition authorities with a view to adopting a joint approach to competition issues on the food market based on an ongoing exchange of information, rapid problem diagnosis and effective sharing of responsibility between the members of the European Competition Network (ECN), given that food markets tend to have a more national dimension, operating under different legal, economic and cultural conditions;

85. Stresses that the purpose of this closer cooperation should be a consistent approach to the defence, monitoring and implementation of competition rules and action to ensure equal terms of competition on the food markets and an optimally efficient food supply chain for the benefit of consumers;

86. Takes the view that, in the context of current market monitoring, the Commission should subject joint purchasing operations at international level to close scrutiny, given that the price concessions secured through the purchasing power thus gained are clearly not being passed on to consumers in the form of lower retail prices;

87. Recalls that the High Level Group set up in October 2009 in the wake of the crisis that shook milk producers has submitted its recommendations, which notably concern contractual relations and the producers' bargaining power; urges the Commission to act immediately to foster progress in a manner in keeping with the provisions of EU competition law;



Thursday 20 January 2011

88. Urges the Commission, in cooperation with national competition authorities, to look in greater detail at competition in the agro-industrial sector in terms of transparency and consumer price evolution; requests the Commission to produce a study focusing in particular on the effects of the market power that major food suppliers and wholesale distributors have which allows them to influence the functioning of the food market;

89. Reiterates in this context its earlier calls for sector inquiries into online advertising, search engines and the food industries; calls for an inquiry into media concentrations, including all channels for the distribution of content, such as print, television and radio and the internet; requests that the Commission present an analysis of competition in the telecoms and car sectors;

90. Considers that competition in agricultural production is a precondition for lower prices for consumers in European countries, and urges the Commission to look in greater detail at competition in the agro-industrial sector in terms of support, transparency and consumer price evolution;

91. Regrets the lack of progress in improving competition in the pharmaceutical sector and asks the Commission to expedite the completion of the internal market in medicines, for example by giving a greater role to the European Medicines Agency (EMA) with regard to central certification of medicines; asks the Commission to fight against abuses that may arise from the systematic practice of patent clusters that delay the market entry of generic medicines and restrict patients' access to affordable medicines; urges the Commission to take punitive measures in response to any misleading information campaigns against generic medicines;

92. Is of the opinion that competition in the health sector could improve the quality of health care services to the benefit of European patients; calls on the Commission to monitor the health sector and, in particular, competition between public and private hospitals; asks the Commission to look in more depth into cases where private hospitals complain about cross-subsidies for public hospitals in those countries that have liberalised the sector;

93. Stresses the need to create and monitor fair competition within and between transport modes in order to generate transparent and straightforward pricing structures and pricing policies;

94. Calls on the Commission to analyse the effects on competition between the different transport modes of the substantial assistance given in recent years to, among other sectors, the automotive industry;

95. Calls on the Commission to ensure transparency regarding the allocation and effective use of slots, in order to guarantee that real competition exists in the aviation sector;

96. Invites the Commission to provide an overview of cases where low-cost air carriers have been benefiting from State support vis-à-vis other carriers through special conditions granted to them when using certain airports, beyond the three-year period prescribed for start-up aid for airline companies;

97. Underlines the need to limit, as appropriate, the market share of maritime consortia of container lines and to share operational advantages – for both maritime and hinterland services – in accordance with the general EU rules on fair competition and subject to the conditions laid down in Regulation (EC) No 906/2009 concerning the application of Article 101(3) of the Treaty on the Functioning of the European Union; stresses, furthermore, the need to ensure operational cooperation with a view to the joint provision of liner shipping services by shipping companies, in order to safeguard the efficiency and quality of shipping services;

98. Calls on the Commission and Member States to secure completion of the internal market for transport, and fair competition in the transport field, while showing due regard for other European Union policy objectives, such as properly functioning transport and mobility services, policy objectives in the areas of public services, safety and environmental protection, and the EU 2020 targets on CO<sub>2</sub> emissions reduction and oil dependency;

Thursday 20 January 2011

99. Calls on the Commission and the Member States to guarantee a level playing field, both for the various modes of transport and for publicly and privately owned companies within a given mode;

100. Calls on the Commission to ensure greater transparency in the relationship between the state and publicly owned railway companies, including their road transport subsidiaries, as well as in the transfer of funds;

101. Invites the Commission to provide an overview of taxation, levies, infrastructure financing and charging and VAT systems for different transport modes and for the individual Member States, and of their effects on competition within and between transport modes, and to set out, in that overview, the effect of obligatory and unlimited charges for rail use in comparison to non-obligatory and limited charges for the use of road infrastructure;

102. Calls on the Commission, when reviewing legislation on passenger rights and reimbursement for delays, to guarantee fair and equal compensation schemes for delays across all transport modes, as well as the setting-up of independent bodies to arbitrate between operators and clients;

103. Stresses the need to avoid unfair competition within the liberalised road transport sector by guaranteeing that social, safety and environmental rules are properly applied, paying special attention both to the opening up of this market to cabotage and to dumping practices;

104. Asks the Commission to seek the completion of the single railway market through the opening of national passenger transport markets; calls on the Member States and the Commission, during the transitional period, to propose reciprocity clauses for Member States which decide to open up their own markets in advance;

105. Draws the Commission's attention to the indirect obstacles to competition arising from disparities, in the transport sector, in rules on safety, interoperability and type-approval;

106. Calls on the Commission and Member States to take care to ensure, through the decisions taken at both EU and national level, cohesive and harmonised implementation of the competition rules in the railway sector; emphasises, in particular, the need for cohesion between the railway supervisory authorities (regulators) and the national and European competition authorities;

107. Supports firmly the creation of an EU patent and an EU-wide patent dispute settlement mechanism to tackle competition distortions caused by the current provisions on patents;

108. Stresses that scientific and technical innovation, patents and the cultural industries contribute immensely to the competitiveness of the European economy; urges the Member States, therefore, to speedily find a solution to the outstanding issues regarding the EU single patent system; for that reason welcomes, as laid out in the Europe 2020 Flagship Initiative Innovation Union, the objective of the first EU patents being delivered in 2014;

109. Reiterates that the competitiveness of the EU is very much dependent on innovation capacity, on research and development facilities, and on the linkage between innovation and manufacturing process;

110. Stresses the key role played by research in improving European competitiveness; calls, therefore, on the Commission and on Member States to ensure that the 3 % target for investments in research and development is reached;

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

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Thursday 20 January 2011

## A sustainable EU policy for the High North

P7\_TA(2011)0024

### European Parliament resolution of 20 January 2011 on a sustainable EU policy for the High North (2009/2214(INI))

(2012/C 136 E/14)

*The European Parliament,*

- having regard to the United Nations Convention on the Law of the Sea (UNCLOS), concluded on 10 December 1982 and in force since 16 November 1994,
- having regard to the United Nations Commission on the Limits of the Continental Shelf,
- having regard to the United Nations Framework Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity (CBD),
- having regard to the United Nations Declaration on the Rights of Indigenous Peoples of 13 September 2007,
- having regard to the Declaration on the Establishment of the Arctic Council (AC), signed on 19 September 1996,
- having regard to the Treaty on European Union, the Treaty on the Functioning of the European Union and in particular to Part Four thereof and to the European Economic Area (EEA) Agreement,
- having regard to the Declaration on the Cooperation in the Barents Euro-Arctic Region, signed in Kirkenes on 11 January 1993,
- having regard to the Commission Communication of 20 November 2008 on the European Union and the Arctic Region (COM(2008)0763),
- having regard to its resolution of 9 October 2008 on Arctic governance <sup>(1)</sup>,
- having regard to the Council conclusions on Arctic issues of 8 December 2009 <sup>(2)</sup> and on the European Union and the Arctic region of 8 December 2008 <sup>(3)</sup>,
- having regard to the Ilulissat Declaration adopted on 28 May 2008 at the Arctic Ocean Conference,
- having regard to the Treaty between Norway, the United States of America, Denmark, France, Italy, Japan, the Netherlands, Great Britain, Ireland, the British Overseas Dominions and Sweden concerning Spitsbergen/Svalbard of 9 February 1920,
- having regard to the Northern Dimension policy and its Partnerships as well as the EU-Russia Common Spaces,
- having regard to the EU-Greenland Partnership Agreement, 2007-2012,
- having regard to the EU's Fifth, Sixth and Seventh Framework Programmes for Research and Technological Development,

<sup>(1)</sup> OJ C 9 E, 15.1.2010, p. 41.

<sup>(2)</sup> 2985th Foreign Affairs Council meeting.

<sup>(3)</sup> 2914th Council meeting.

Thursday 20 January 2011

- having regard to International Labour Organisation Convention 169 adopted on 27 June 1989,
- having regard to the Nordic Sami Convention of November 2005,
- having regard to United Nations General Assembly Declaration 61/295 of 13 September 2007 on the Rights of Indigenous Peoples,
- having regard to the United Nations Human Rights Council resolutions 6/12 of 28 September 2007, 6/36 of 14 December 2007, 9/7 of 24 September 2008, 12/13 of 1 October 2009 and 15/7 of 5 October 2010,
- having regard to Finland's strategy for the Arctic Region adopted on 4 June 2010,
- having regard to the opinion of the Foreign Affairs Committee of the Swedish Parliament on Commission Communication COM(2008)0763 <sup>(1)</sup>,
- having regard to the joint Danish and Greenlandic strategy for the Arctic at a time of transition of May 2008,
- having regard to the Norwegian Government's Strategy for the High North of 2007, and its follow-up of March 2009,
- having regard to the Nordregio Report 2009:2, 'Strong, Specific and Promising – Towards a Vision for the Northern Sparsely Populated Areas in 2020',
- having regard to the Nordic Council of Ministers' Arctic Cooperation Programme 2009-2011, the Barents Euro-Arctic Council (BEAC) programme and the AC Chairmanship programme,
- having regard to the Canadian Northern Strategy of August 2009 and the follow-up statement on Canada's Arctic Foreign Policy of 20 August 2010,
- having regard to the Canadian Act to amend the Arctic Waters Pollution Prevention Act of August 2009,
- having regard to the 'Basics of the state policy of the Russian Federation in the Arctic for the period till 2020 and for a further perspective' adopted on 18 September 2008 and the Russian national security strategy until 2020 of May 2009,
- having regard to the American National Security Presidential Directive and Homeland Security Presidential Directive of 9 January 2009,
- having regard to the USA's Responsible Arctic Energy Development Act of 2010,
- having regard to the USA's Arctic Oil Spill Research and Prevention Act of 2009,
- having regard to the USA's Arctic Marine Shipping Assessment Implementation Act of 2009,
- having regard to the Monaco Declaration of November 2008,
- having regard to the final statement adopted at the First Northern Dimension Parliamentary Forum in Brussels on 26 September 2009,
- having regard to the Conference Statement of the Ninth Conference of Parliamentarians of the Arctic Region of 15 September 2010,

<sup>(1)</sup> 2009/10:UU4.

Thursday 20 January 2011

- having regard to NATO's new Strategic Concept, approved by Heads of State and Government at the Lisbon Summit in November 2010, and its implications vis-à-vis the security prospects in the Arctic region, particularly the military aspects of the High North,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A7-0377/2010),
- A. whereas the Commission communication constitutes a formal first step towards responding to the European Parliament's call for the formulation of an EU Arctic policy; whereas the Council Conclusions on Arctic Issues should be recognised as a further step in the definition of an EU policy on the Arctic,
- B. whereas the European Parliament has been an active participant in the work of the Standing Committee of Arctic Parliamentarians through its Delegation for relations with Switzerland, Iceland and Norway for a period of some two decades, culminating in the hosting of the full Conference of the Parliamentarians of the Arctic in Brussels in September 2010,
- C. whereas Denmark, Finland and Sweden are Arctic countries and both Finland and Sweden are partially located within the Arctic Circle; whereas the EU's only indigenous people, the Sami people, live in the Arctic regions of Finland and Sweden as well as Norway and Russia,
- D. whereas Iceland's application to join the EU will increase the need for the EU to take account of the Arctic region in its geopolitical perspective,
- E. whereas Norway, a reliable partner, is associated with the EU through the EEA Agreement,
- F. whereas there has been a longstanding engagement of the EU in the Arctic by way of its involvement in the Common Northern Dimension Policy with Russia, Norway and Iceland, including its Arctic Window, in the Barents cooperation and particularly in the Barents Euro-Arctic Council, the implications of the strategic partnerships with Canada, the United States and Russia and its participation as an active ad hoc observer in the AC,
- G. whereas the gradual formulation of an EU policy on the Arctic should be based on the recognition of the existing international, multilateral and bilateral legal frameworks such as the comprehensive set of rules laid down in UNCLOS and several sectoral, bilateral and multilateral agreements which already regulate certain issues of importance to the Arctic,
- H. whereas the EU and its Member States make a major contribution to research in the Arctic and whereas EU programmes, including the current Seventh Framework Programme, support major research projects in the region,
- I. whereas it is estimated that about a fifth of the world's undiscovered hydrocarbon resources are located in the Arctic region, although more extensive research is needed to establish more accurately how much gas and oil there is in the region and how economically viable it would be to exploit these reserves,
- J. whereas there is also strong global interest in other Arctic renewable and non-renewable resources such as minerals, forests, fish and pristine landscapes for tourism,
- K. whereas the growing interest in the Arctic region of other non-Arctic actors such as China, illustrated by China's commissioning of a first icebreaker, their allocation of funding to polar research and not least the applications by South Korea, China, Italy, the EU, Japan and Singapore for status as permanent observers at the AC, indicates a different geopolitical appreciation of the Arctic on a larger scale,
- L. whereas the recently established self-government in Greenland with regard to relevant policy areas including environmental legislation and resources and the recent update of the EU-Greenland Partnership Agreement has led to an increased interest in the exploration and exploitation of resources in Greenland and on its Continental shelf,

Thursday 20 January 2011

- M. whereas the effects of climate change mainly originating from outside the Arctic and the globalisation of the world economy will impact the region; whereas in particular the retreat of the sea ice, as well as the potential for resources and the possible use of new technologies, is likely to produce unforeseeable environmental effects and repercussions in other parts of the planet as well as an increase in shipping in particular between Europe, Asia and North America, in exploration and exploitation of natural resources, namely gas, oil and other minerals but also natural resources such as fish, and exploitation of marine genetic resources, increased mining and logging activities and increased tourism and research activities; whereas those effects will produce new challenges but also new opportunities in the Arctic and elsewhere,
- N. whereas climate change is managed by monitoring, mitigation and adaptation methods; whereas the promotion of sustainable development in using natural resources and in building new infrastructures is managed by strategic planning processes,

### *The EU and the Arctic*

1. Recalls that three EU Member States – Denmark, Finland and Sweden – are Arctic States; acknowledges that the EU has no Arctic Ocean coastline so far; reaffirms the legitimate interest of the EU and other third countries as stakeholders by virtue of their rights and obligations under international law, its commitment to environmental, climate and other policies and its funding, research activities and economic interests, including shipping and exploitation of natural resources; moreover recalls that the EU has large Arctic land areas in Finland and Sweden that are inhabited by the only indigenous population group in Europe, the Sami;
2. Takes into account that through its Northern Member States and candidate countries the EU is affected by Arctic policies and likewise has an impact on Arctic policies, and recognises the ongoing work in the several partnerships of the Northern Dimension, a common policy of the EU with Russia, Norway and Iceland;
3. Underlines that certain policies that are relevant to the Arctic are exclusive Union competences, such as the conservation of marine biological resources under the common fisheries policy, others partly shared with Member States;
4. Highlights that the EU is committed to devising its policy responses in the Arctic on the basis of the best available scientific knowledge and understanding of the processes affecting the Arctic, and is accordingly already devoting sizeable research efforts to generating sound scientific evidence to support policy-making;
5. Conscious of the need to protect the fragile environment of the Arctic, underlines the importance of overall stability and peace in the region; stresses that the EU should pursue policies that ensure that measures to address environmental concerns take into account the interests of the inhabitants of the Arctic region, including its indigenous peoples, in protecting and developing the region; stresses the similarity in approach, analysis and priorities between the Commission Communication and policy documents in the Arctic States; stresses the need to engage in policies that respect the interest in sustainable management and use of the land-based and marine, non-renewable and renewable natural resources of the Arctic region, which in turn provide important resources for Europe and are a major source of income to the inhabitants of the region;
6. Highlights the fact that a future accession of Iceland to the EU would transform the Union into an Arctic coastal entity, while noting that Iceland's status as a candidate country for accession to the EU underlines the need for a coordinated Arctic policy at EU level and represents a strategic opportunity for the EU to assume a more active role and contribute to multilateral governance in the Arctic region; considers that Iceland's accession to the EU would further consolidate the EU's presence in the Arctic Council;
7. Emphasises the importance of interacting with Arctic communities and supporting capacity-building programmes in order to improve the quality of life of indigenous and local communities in the region and gain more understanding of the living conditions and cultures of these communities; calls on the EU to promote a stronger dialogue with the indigenous peoples and the Arctic local inhabitants;



Thursday 20 January 2011

8. Stresses the need for a united, coordinated EU policy on the Arctic region, in which both the EU's priorities and the potential challenges and a strategy are clearly defined;

*New world transport routes*

9. Underlines the major importance of the safety and security of new world trade routes through the sea in the Arctic, in particular for the EU and its Member States' economies, these countries controlling 40 % of world commercial shipping; welcomes the work in the International Maritime Organisation (IMO) on a mandatory Polar Code for shipping and the work in the Working Groups of the AC, particularly the Taskforce on Search and Rescue (SAR); underlines that the EU and its Member States should actively uphold the freedom of the seas and the right to free passage through international waterways;

10. Stresses the importance of developing new railway and transport corridors in the Barents Euro-Arctic Transport Area (Beata) to facilitate the growing need for international trade, mining and other economic development, as well as aviation connections in the High North; draws attention in this regard to the new Northern Dimension Partnership on Transport and Logistics;

11. Suggests that important non-Arctic shipping nations using the Arctic Ocean should be included in the results of the Search and Rescue Work Initiative of the AC; therefore recommends that the Commission and the Council, together with the European Maritime Safety Agency (EMSA), coordinate EU and Member States' policies in that particular field in the IMO, the AC and other organisations;

12. Points out that in spite of the efforts on a mandatory Polar Code for shipping a faster solution to the issue of safety of Arctic shipping might be found through coordination and harmonisation of national legislation and calls on EMSA to concern itself to the maximum with Arctic shipping;

13. Welcomes other cooperation initiatives on secure and safe shipping in the Arctic and on better access to the various Northern sea routes; emphasises that this concerns not only commercial traffic but also a large and increasing volume of tourist shipping carrying EU citizens; calls for more research on the effect that climate change has on Arctic navigation and shipping routes; equally calls for assessments of the impact of the increase in navigation and commercial activities, including offshore activities, on the Arctic environment and its inhabitants;

14. Calls on the States in the region to ensure that any current transport routes – and those that may emerge in the future – are open to international shipping and to refrain from introducing any unilateral arbitrary burdens, be they financial or administrative, that could hinder shipping in the Arctic, other than internationally agreed measures aimed at increasing security or protection of the environment;

*Natural resources*

15. Is conscious of the need for resources for a growing world population and recognises the increase in interest in them as well as the sovereign rights under international law of the Arctic States; recommends any party involved to take steps to ensure the highest possible safety, social and environmental standards in exploration and exploitation of the natural resources;

16. Highlights the fact that the Environmental Impact Assessment (EIA) as well as strategic and social impact assessment processes will be central tools in the management of concrete projects and programmes in the Arctic; draws attention to Directive 2001/42/EC <sup>(1)</sup> on Strategic Environmental Assessment (SEA) and to the fact that Finland, Sweden and Norway have ratified the UNECE Convention on EIA in a Trans-boundary Context (Espoo Convention), which will provide a good basis for the active promotion of impact assessment procedures in the Arctic; refers in this regard also to the Bergen Statement issued by the Ministerial Meeting of the OSPAR Commission of 23 and 24 September 2010;

<sup>(1)</sup> OJ L 197, 21.7.2001, p. 30.

Thursday 20 January 2011

17. Calls on the States in the region to resolve any current or future conflicts over access to natural resources in the Arctic in the way of constructive dialogue, possibly within the AC, which constitutes a good forum for such discussion; underlines the role of the UN Commission on the Limits of the Continental Shelf (CLCS) in finding solutions for conflicts between Arctic States over delimitation of their exclusive economic zones;

18. Points in particular to the responsibility of the Arctic States to ensure that oil companies that plan to engage in offshore oil drilling within their respective maritime borders have the necessary safety technology and expertise in place and are financially prepared to prevent and respond to oil rig disasters and oil spills; notes that the extreme weather conditions and the high ecological fragility of the Arctic region render it necessary for relevant oil companies to develop special expertise in preventing and handling oil spills in the region;

19. Welcomes the new delimitation agreement<sup>(1)</sup> between Norway and Russia, in particular the expressed will to engage in closer cooperation regarding the joint management of resources, and the continued joint management of fish stocks, in the Barents Sea, including in terms of sustainability; regards in particular the bilateral cooperation between Norway and Russia as a showcase for joint application of the highest available technical standards in the field of environmental protection while prospecting for oil and gas in the Barents Sea; points out in particular the importance of the contentious development of new technologies especially developed for the Arctic environment, such as sub-seabed installation technology;

20. Is conscious of the different interpretations of the Svalbard/Spitsbergen Treaty with regard to its applicability to the continental shelf and the maritime zones of Svalbard/Spitsbergen, and, given the relatively good accessibility of resources in the continental shelf, would welcome an agreement on the legal status of the shelf acknowledging the legal rights and duties of the coastal shelf states; is confident that any disputes which may arise will be dealt with in a constructive way;

21. Recalls the position of the EU as a main consumer of Arctic natural resources, as well as the involvement of European economic actors; requests the Commission to further engage in fostering cooperation and technology transfer to ensure the highest standards and adequate administrative procedures, to establish a sound scientific basis for future trends and governance needs for Arctic resources, such as fisheries, mining, forestry and tourism, and to make full use of the EU competences to regulate in this regard; as economic activities in the Arctic will increase, calls upon the EU to promote the principles of sustainable development therein;

22. Insists that before any new commercial fisheries are opened in the Arctic region, reliable and precautionary scientific stock assessments must be conducted in order to determine levels of fishing that will conserve the targeted fish stocks and not lead to depletion of other species or to serious damage to the marine environment, and that any fishing on the high seas must be regulated by a Regional Fisheries Management Organisation that respects scientific advice and has a robust control and surveillance programme to ensure compliance with management measures, while fishing within Exclusive Economic Zones (EEZ) must meet the same standards;

23. Considers that the creation and enforcement of marine protected areas of sufficient size and diversity are an important tool in the conservation of the marine environment;

*Climate change and pollution effects on the Arctic*

24. Acknowledges that the EU, like other developed areas of the world, contributes substantially to climate change and hence bears special responsibility and must play a leading role in combating climate change;

25. Acknowledges that the best protection for the Arctic is a long-term and ambitious global climate agreement, but realises that the rapid warming of the Arctic makes it necessary, in addition, to work on possible further short-term measures to limit Arctic warming;

<sup>(1)</sup> Signed on 15 September 2010.

Thursday 20 January 2011

26. Regards the Arctic as a sensitive region where the effects of climate change are especially visible, having serious repercussions on other regions in the world; supports therefore the Council Conclusions on increased cooperation with the UNFCCC and the Sustaining Arctic Observing Networks (SAON) and the efforts to realise the Svalbard Integrated Observation System (SIOS) and the Arctic components of the European Multidisciplinary Seafloor Observatory (EMSO), since those initiatives ensure a unique European contribution to understanding climate and environment change in the Arctic region;

27. Recognises the disproportionately large Arctic warming impact caused by black carbon emissions from the EU and other regions in the northern hemisphere, and stresses the need for inclusion of black carbon emissions in the relevant UNECE and EU regulatory framework, such as the Convention on Long-Range Transboundary Air Pollution and the National Emissions Ceilings Directive;

28. Welcomes the ban on the use and carriage of heavy fuel oil on vessels operating in the Antarctic Area, approved by the IMO's Marine Environment Protection Committee (MEPC), which is due to enter into force on 1 August 2011; stresses that a similar ban might be appropriate in Arctic waters to reduce risks to the environment in case of accidents;

29. Supports increased cooperation with Arctic and non-Arctic states on developing the Sustaining Arctic Observing Networks (SAON) and encourages the European Environmental Agency to continue its valuable work and to promote cooperation through the European Environment Information and Observation Network (Eionet) using the guiding principles of the Shared Environmental Information System (SEIS);

30. Stresses the important role the EU and the circumpolar nations have to play in the reduction of pollution in the Arctic region caused by long-range transport, e.g. shipping; highlights in this respect the importance of the implementation of European legislation such as Regulation (EC) No 1907/2006 <sup>(1)</sup>; points out that the climatic changes in the Arctic will have a major impact on coastal regions in Europe and elsewhere and on climate-dependent sectors in Europe such as agriculture and fisheries, renewable energy, reindeer herding, hunting, tourism and transport;

#### *Sustainable socioeconomic development*

31. Recognises that the effects of the melting ice and milder temperatures are not only displacing indigenous populations and thereby threatening the indigenous way of life but also creating opportunities for economic development in the Arctic region; acknowledges the wish of the inhabitants and governments of the Arctic region with sovereign rights and responsibilities to continue to pursue sustainable economic development while at the same time protecting traditional sources of the indigenous peoples' livelihood and the very sensitive nature of the Arctic ecosystems, taking into account their experience in using and developing the various resources of the region in a sustainable way; recommends applying ecosystem-based management principles to consolidate ecological scientific knowledge with social values and needs;

32. Underlines that it is important for the EU together with representatives of the regions in the area to discuss the importance of the Structural Funds for development and cooperation in order to face the future global challenges with a view to progress and to be able to seize the development potential of the area;

33. Is of the opinion that in order to identify the specific potential of each locality and to develop adequate settlement strategies with respect to regional differences, an inclusive process with the assistance of the national and EU levels is needed; believes that partnerships and dialogue between the levels of authority concerned ensures that the policies can be implemented at the most effective level;

34. Notes the special position and recognises the rights of the indigenous peoples of the Arctic and points in particular to the legal and political situation of the indigenous peoples in the Arctic States and in their representation in the Arctic Council; calls for greater involvement of indigenous people in policy-making; stresses the need to adopt special measures to safeguard the culture, language and land rights of indigenous peoples in the way defined in ILO Convention 169; calls for a regular dialogue between the indigenous peoples' representatives and the EU institutions and further calls on the EU to take into account the special needs of sparsely populated peripheral areas in terms of regional development, livelihoods and education; underlines the importance of supporting activities promoting the culture, language and customs of indigenous peoples;

<sup>(1)</sup> OJ L 136, 29.5.2007, p. 3.

Thursday 20 January 2011

35. Notes that the economies of the indigenous peoples rely to a high extent on sustainable use of natural resources and therefore that the reduction of climate change and its effects and the right of the indigenous peoples to an unpolluted natural environment are also questions of human rights;

36. Welcomes the work of the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and that of the UN Expert Mechanism on the Rights of Indigenous Peoples;

37. Welcomes the successful completion by the Expert Mechanism of its progress report on the study on indigenous peoples and the right to participate in decision-making;

38. Encourages the Arctic Member States to engage in negotiations leading to a new ratified Nordic Sami Convention;

39. Urges the EU to promote actively the culture and language rights of Finno-Ugric people living in Northern Russia;

40. Takes note of the recent legal developments regarding the EU's ban on seal products, in particular the action brought for annulment of Regulation (EC) No 1007/2009 <sup>(1)</sup> (Case T-18/10, Inuit Tapiriit Kanatami v Parliament and the Council) pending before the General Court; notes the consultation procedure under the auspices of the World Trade Organisation (WTO) requested by Canada and Norway; expresses its hope that disagreements between the parties can be overcome following the rulings of the ECJ and the result of the WTO procedures;

41. Is aware of the increasing interest in the exploitation of resources; in that regard points out the need for broad all-encompassing ecosystem-based approaches as most likely to be capable of dealing with the multiple challenges facing the Arctic related to climate change, shipping, environmental hazards and contaminants, fisheries and other human activities, along the lines of the EU's Integrated Maritime Policy or Norway's Integrated Management Plan for the Barents Sea and the sea areas of the Lofoten Islands; recommends the Member States to endorse the revised Arctic Council Offshore Oil and Gas Guidelines of 2009;

### **Governance**

42. Recognises the institutions and the broad framework of international law and agreements that govern areas of importance to the Arctic such as UNCLOS (including the basic principles of freedom of navigation and innocent passage), the IMO, the OSPAR Convention <sup>(2)</sup>, the North East Atlantic Fisheries Commission (NEAFC), CITES <sup>(3)</sup> and the Stockholm Convention as well as the existing numerous bilateral agreements and frameworks, in addition to the national regulations in place in the Arctic States; thus concludes that the Arctic region is not to be regarded as a legal vacuum, but as an area with well developed tools for governance; nevertheless points out that, due to the challenges of climate change and increasing economic development, those existing rules need to be further developed, strengthened and implemented by all parties concerned;

43. Emphasises that, although States play a key role in governance in the Arctic, other players – such as international organisations, indigenous and local people and sub-state authorities – also have important roles; points out that it is important to increase trust among those with legitimate interests in the region by taking a participative approach and using dialogue as a way of developing a shared vision for the Arctic;

44. Believes that the impression given by some observers of a so-called scramble for the Arctic does not contribute to fostering a constructive understanding and cooperation in the region; points out that the Arctic States have on several occasions declared their commitment to resolve and in some cases have worked towards resolving possible conflicts of interests according to the principles of international law;

45. Recognises the important role of the AC as the foremost regional forum for cooperation for the whole Arctic region; recalls that, apart from the Member States Denmark, Sweden and Finland and the candidate country Iceland which are members of the Arctic Council, the Member States Germany, France,

<sup>(1)</sup> OJ L 286, 31.10.2009, p. 36.

<sup>(2)</sup> Convention for the Protection of the Maritime Environment of the North-East Atlantic.

<sup>(3)</sup> Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Thursday 20 January 2011

the UK, Netherlands, Spain and Poland are active permanent observers; affirms its commitment not to support any arrangements which exclude any of the Arctic EU Member States, candidate countries or Arctic EEA/ EFTA states; acknowledges the concrete work done in the working groups of the AC with the involvement of the observers and calls on the Commission and EU agencies to continue to actively engage in all relevant working groups whenever possible; favours strengthening the legal and economic base of the AC;

46. Recognises that the challenges facing the Arctic are global and should therefore include all relevant actors;

47. Welcomes the results of major reports which the AC working groups have produced in recent years on Arctic oil and gas, the impacts of warming and emergency response needs;

48. Welcomes the degree of political organisation of indigenous interests in the Sami Parliaments and then Sami Council in Northern Europe and the cooperation among several indigenous organisations on a circumpolar basis and acknowledges the unique role of the AC with regard to the involvement of indigenous people; recognises the rights of the indigenous peoples of the Arctic as set out in the UN Declaration on the Rights of Indigenous Peoples and encourages the Commission to make use of the EIDHR for the benefit of Arctic indigenous people empowerment;

49. Welcomes the broad cooperation on issues such as the protection of the Arctic marine environment (PAME Working Group), not only on a regional level but bilaterally and internationally; interprets in this respect the work done on SAR in the AC as a first step towards mechanisms also to take binding decisions;

50. Welcomes the continuous AC assessment of the scope and structure of its work and is confident that it will continue to broaden the basis for decision-shaping processes to include non-AC actors;

51. Expresses its hope that the AC will further develop its important work and broaden the basis for decision-shaping processes to include other Arctic actors who are upgrading their presence in the Arctic region, and thus involve their knowledge and capacities and take into account their legitimate interests under international law, while at the same time the significantly greater importance of the interests of the Arctic States should be stressed; welcomes the internal procedure within the AC regarding a review of the status of observers and of the possible future scope of the tasks of the AC;

52. Is of the opinion that a strengthened AC should play a leading role in cooperation on the Arctic and would therefore welcome politically and administratively improved capacities of the AC, e.g. the permanent secretariat currently under discussion, more equal sharing of costs, more frequent ministerial meetings and an Annual Arctic Summit on the Highest Level, as proposed by the Foreign Minister of the EU Member State Finland, which is also a Member of the Arctic Council; would further welcome greater involvement of the Parliamentarians of the Arctic to underline the parliamentary dimension and be sure to include relevant non-Arctic players; furthermore insists that continued high-level meetings of an inner exclusive core of States will merely undermine the status and role of the AC as a whole; wishes the AC to maintain its open and inclusive approach and thus to remain open to all stakeholders;

53. Regards the Northern Dimension as a focal point for regional cooperation in Northern Europe; notes that the four partners, namely the EU, Iceland, Norway and the Russian Federation, as well as the Arctic Council, the Barents Euro-Arctic Council, the Council of the Baltic Sea States, the Nordic Council of Ministers, the European Bank for Reconstruction and Development (EBRD), the European Investment Bank (EIB), the Nordic Investment Bank (NIB) and the World Bank (IBRD), are participants in the Northern Dimension and that both Canada and the United States hold observer status in the Northern Dimension; stresses the need for close alignment between the Northern Dimension policy and the EU's evolving Arctic policy; notes the Northern Dimension's Arctic Window; highlights the valuable experience of the Northern Dimension partnerships, particularly the new Northern Dimension Partnership on Transport and Logistics and its benefits for cooperation in the Arctic;

54. Confirms its support for permanent observer status for the EU in the AC; recognises that EU Member States are involved in AC work through various international organisations (such as the IMO, OSPAR, NEAFC and the Stockholm Convention) and highlights the need for coherence in all EU policies towards the Arctic; asks the Commission to keep Parliament duly informed about meetings and work in the AC and its



Thursday 20 January 2011

Working Groups; stresses meanwhile that the EU and its Member States are already present as members or observers in other international organisations with relevance to the Arctic such as the IMO, OSPAR, NEAFC and the Stockholm Convention and therefore should more coherently focus on the work in these organisations; underlines in this regard in particular the need for coherence in all EU policies towards the Arctic; encourages the AC to involve civil society and non-governmental organisations more closely as ad-hoc observers;

55. Regards the Barents Euro-Arctic Council (BEAC) as an important hub for cooperation between Denmark, Finland, Norway, Russia, Sweden and the European Commission; notes the work of the BEAC in the fields of health and social issues, education and research, energy, culture and tourism; notes the advisory role of the Working Group of Indigenous Peoples (WGIP) within the BEAC;

### ***Conclusions and requests***

56. Requests the Commission to develop the existing Inter-Service Group into a permanent inter-service structure to ensure a coherent, coordinated and integrated policy approach across key policy areas relevant to the Arctic, such as the environment, energy, transport and fisheries; recommends assigning the co-lead of this structure to the EEAS and DG MARE, the latter acting as a cross-sectoral coordinator within the Commission; further recommends creating an Arctic unit in the EEAS accordingly;

57. Calls on the Commission, in negotiating bilateral agreements, to take account of the fact that the sensitive Arctic ecosystem must be protected, the interests of the Arctic population, including its indigenous population groups, must be safeguarded and the natural resources of the Arctic must be used sustainably, and calls on the Commission to be guided by these principles in relation to all activities;

58. Notes that scientific data clearly demonstrates that the Arctic ecosystem is currently going through massive climate-related changes and that this situation requires that a precautionary and scientifically robust approach be taken to any future development in the Arctic; calls for further scientific studies within the framework of a multilateral agreement to be completed in order to inform international understanding of the Arctic eco-system and decision-making thereon before any further major development goes ahead;

59. Underlines the fact that the EU and its Member States are main contributors to Arctic-relevant research, regional cooperation and the development of technology relevant to the region and beyond, and requests the Commission to examine the possibilities of developing circumpolar co-funding and co-programming initiatives to enable smoother and more effective cooperation between experts from the countries involved; requests the EU to promote cooperation activities with the USA, Canada, Norway, Iceland, Greenland and Russia in the field of multidisciplinary Arctic research, thereby establishing coordinated funding mechanisms; further requests the Commission to create a means to work directly with Arctic Member States, indigenous organisations and Arctic research institutes in order to help inform the EU about relevant issues, important research topics and matters that concern those living and working in the Arctic to help establish future research activities;

60. Is of the opinion that the EU should develop further its capacities and calls on the Commission to explore and report on the establishment as well as on the continuation of EU activities in the Arctic such as a circumpolar joint multilateral research funding programme providing for easier and less bureaucratic cooperation and joint projects of the research community; requests the Commission to explore as a key priority the establishment of an EU Arctic Information Centre as a joint, networked undertaking, taking into account suitable proposals; notes the proposal by the University of Lapland in this respect; considers that such a centre needs to be capable both of organising permanent EU outreach to the major actors relevant to the Arctic and of channelling Arctic information and services towards the EU's Institutions and stakeholders;

61. Emphasises that, in order to objectively determine the nature and rate of the changes occurring in the natural environment of the Arctic, it is vital that international teams of scientists be given full access to carry out research in this particularly sensitive area of our planet; points out that the EU is stepping up its presence and involvement, particularly in the European sector of the Arctic, by building joint infrastructure for research and increasing the number of research programmes carried out in the Arctic; supports in particular research teams made up of scientists from many different fields and representing all the countries involved; welcomes the often good and open cooperation in research and takes the view that this research should be open, which would be in the interests of, and make it available for use by, the international community as a whole;



Thursday 20 January 2011

62. Emphasises the contribution of the EU's European Territorial Cooperation objective, as a clear European added value, in particular the cross-border cooperation programmes of Kolartik and Karelia as well as the CBC Baltic Sea Basin programme, which includes the Barents region; requests the Commission to explore how a suitably enhanced Northern Periphery Programme could have a similar impact on an Arctic Strategy in the next programming period;

63. Asks the Commission to support efforts to quickly and efficiently realise the SIOS and EMSO observatories as unique contributions to better understanding and protecting the Arctic environment;

64. Requests the Commission to put forward proposals as to how the Galileo Project or projects like Global Monitoring for Environment and Security that could have an impact on the Arctic could be developed to enable safer and faster navigation in Arctic waters, thus investing in the safety and accessibility of the North-East Passage in particular, to contribute to better predictability of ice movements, better mapping of the Arctic seabed and an understanding of the main geodynamic processes in the area, which are of major importance for the geodynamics of the Earth and for the water cycle in polar regions and in order to enhance our knowledge of unique ecosystems;

65. Calls for all governments in the Arctic region, especially that of Russia, to adopt and endorse the United Nations Declaration on the Rights of Indigenous Peoples adopted by the General Assembly on 13 September 2007;

66. Urges Member States to ratify all the key agreements regarding the rights of indigenous peoples, such as ILO Convention 169;

67. Requests the EU and its Member States to propose, as part of the ongoing IMO work on a mandatory Polar Code for shipping, that soot emissions and heavy fuel oil be regulated specifically; in the event that such negotiations do not bear fruits, requests the Commission to put forward proposals on rules for vessels calling at EU ports subsequent to, or prior to, journeys through Arctic waters, with a view to imposing a strict regime limiting soot emissions and the use and carriage of heavy fuel oil;

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68. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States and the governments and parliaments of the Arctic region states.

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## **An EU Strategy for the Black Sea**

P7\_TA(2011)0025

**European Parliament resolution of 20 January 2011 on an EU Strategy for the Black Sea (2010/2087(INI))**

(2012/C 136 E/15)

*The European Parliament,*

— having regard to the Commission Communication entitled 'Black Sea Synergy – A New Regional Cooperation Initiative' (COM(2007)0160),

— having regard to the Council Conclusions on the Black Sea Synergy Initiative of 14 May 2007,

— having regard to its resolution of 17 January 2008 on a Black Sea Regional Policy Approach <sup>(1)</sup>,

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<sup>(1)</sup> OJ C 41 E, 19.2.2009, p. 64.

Thursday 20 January 2011

- having regard to the Joint Statement of the Ministers of Foreign Affairs of the countries of the European Union and of the wider Black Sea area, adopted in Kiev on 14 February 2008,
  - having regard to the Commission's 'Report on the first year of implementation of the Black Sea Synergy', adopted on 19 June 2008 (COM(2008)0391),
  - having regard to the Joint Statement launching the Black Sea Synergy Environment Partnership (Brussels, 16 March 2010),
  - having regard to the Commission Communication on strengthening the European Neighbourhood Policy (COM(2006)0726) and the Commission's intention to present the review of the European Neighbourhood Policy (ENP) in 2011,
  - having regard to the Association Partnership with Turkey,
  - having regard to the Partnership and Cooperation Agreements concluded with Armenia, Azerbaijan, Georgia, the Republic of Moldova and Ukraine, and to the ongoing negotiations on new Association Agreements, as well as to the respective ENP Action Plans,
  - having regard to the ENP Progress Reports on Armenia, Azerbaijan, the Republic of Moldova, Georgia and Ukraine adopted by the Commission on 12 May 2010,
  - having regard to the Partnership and Cooperation Agreement concluded with the Russian Federation, and to the ongoing negotiations on a new EU-Russia Agreement,
  - having regard to the Communication from the Commission to the European Parliament and the Council of 3 December 2008 entitled 'Eastern Partnership' (COM(2008)0823),
  - having regard to the Joint Declaration of the Prague Eastern Partnership Summit of 7 May 2009,
  - having regard to the recent progress in the visa-facilitation dialogue with countries from the region,
  - having regard to its resolution of 15 November 2007 on strengthening the European Neighbourhood Policy <sup>(1)</sup>,
  - having regard to its previous resolutions on the Republic of Moldova, the Russian Federation, Turkey, Ukraine and the South Caucasus countries, as well as on the Integrated Maritime Policy,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on International Trade, the Committee on Industry, Research and Energy and the Committee on Regional Development (A7-0378/2010),
- A. whereas the Black Sea region is a strategic bridge connecting Europe with the Caspian Sea area, Central Asia and the Middle East and, further, with south-east Asia and China, and it is characterised by close ties and great potential, but also by diversities and rivalries; whereas the region comprises the EU Member States Bulgaria, Greece and Romania, the candidate country Turkey and the ENP partners Armenia, Azerbaijan, Georgia, the Republic of Moldova and Ukraine, as well as the Russian Federation as a strategic partner,

<sup>(1)</sup> OJ C 282 E, 6.11.2008, p. 443.

Thursday 20 January 2011

- B. whereas the Black Sea region is of strategic importance for the EU; whereas the Black Sea is partially internal to the EU and geographically mostly a European sea, which results in shared challenges and opportunities for the EU and the countries of the region, as well as in a common need to ensure that there is an area of peace, democracy, security, stability, regional cooperation and sustainable prosperity around the Black Sea; whereas a more cohesive, sustainable and strategic approach is necessary in the Black Sea region,
  - C. whereas the Black Sea region is a socially, culturally and religiously rich environment where inter-cultural and inter-faith dialogue should play a central role,
  - D. whereas the Black Sea Synergy (BSS) has had the merit of recognising the Black Sea region as strategic for the EU, together with the need for strengthened EU involvement in the area; whereas BSS results have so far been rather limited and no clear and comprehensive picture exists of the current implementation results of the BSS, exposing the EU to criticism that it lacks a strategic vision for the region and that it is applying a fragmented approach to implementation,
  - E. whereas no action plan has been drawn up setting out concrete objectives and benchmarks, and reporting, monitoring, evaluation and follow-up mechanisms, as asked for in Parliament's very first resolution on the Black Sea region,
  - F. whereas only one progress report has been issued, in 2008, which was not followed up with any regular reporting mechanism; whereas not many projects have been carried out and only a Partnership on the Environment has been launched to date,
  - G. whereas no ministerial conference has been held since 2008, highlighting the lack of visibility of, and strategic vision and political guidance for, the BSS,
  - H. whereas the efforts so far, while commendable, have been severely hampered by poor administrative organisation, a lack of institutional and political commitment, and a lack of human and dedicated financial resources,
  - I. whereas many developments have taken place in the Black Sea region since 2008, and while regional cooperation seems to be advancing in some technical fields, such as environment, education, research and technology, as well as in normative approximation, a number of challenges, such as protracted conflicts in the Caucasus and Transnistria, maritime security and search and rescue operations, militarisation, displaced populations and the deterioration of democratic rule, persist and have even gained in intensity,
  - J. whereas the French Presidency's mission, together with action by the Member States, demonstrated the EU's commitment to containing and resolving the conflict in Georgia,
  - K. whereas the Black Sea region is of geo-strategic importance for the energy security of the EU, with regard, in particular, to the diversification of energy supplies,
  - L. whereas other EU initiatives involving the countries of the Black Sea region should not be seen as competing with, but rather as complementary to, the BSS,
  - M. whereas the Commission has been asked to develop an EU Strategy for the Danube Region, which should take into account its close interconnection with the Black Sea region,
1. Considers that, given the strategic importance of the Black Sea region for the EU and the rather limited results of the BSS, a strategy should be launched to enhance the coherence and visibility of EU action in the region and that the EU Black Sea Strategy should be an integral part of the EU's broader foreign and security policy vision;

Thursday 20 January 2011

2. Calls on the Commission and the European External Action Service (EEAS) to draw up a strategy for the Black Sea region in parallel with the review of the European Neighbourhood Policy, thus defining an integrated and comprehensive EU approach to address the challenges and opportunities of the region, with a detailed action plan, clear objectives, flagship initiatives and benchmarks; believes that the strategy will make for effective coordination of activities and division of tasks;
3. Reiterates its call on the Commission and the EEAS to carry out regular reviews of the implementation of the strategy by establishing concrete monitoring, evaluation, follow-up and reporting mechanisms; urges that the relevant European Parliament committees be consulted at key stages of this process;
4. Recommends that consistency between EU-level policy and the national strategies of the EU Member States in the Black Sea region needs to be ensured;
5. Stresses that the EU Member States must agree on clear priorities in order that a realistic and financially sound action plan can subsequently be drawn up, together with a corresponding system for assessing its effectiveness;
6. Stresses that adequate human resources must be devoted to the task of achieving the objectives of the new strategy, particularly by taking visible account of that strategy in the organisational structure and staffing of the EEAS;
7. Welcomes the launch of the Joint Operational Programme for Cross-Border Cooperation in the Black Sea Basin under ENPI and believes that the large number of applications received reflects a high degree of interest in joint cooperation projects in the Black Sea region; applauds the approval of 16 new projects by the Joint Monitoring Committee in November 2010; believes, however, that the slow pace of the programme's functioning reflects the shortcomings of the current funding mechanisms; points, in particular, to the legal difficulties relating to the need to fund participants from different financial instruments, and calls on the Commission to devise solutions to eliminate such obstacles; takes the view that investment projects could also be covered by the programme;
8. Calls for a Black Sea Basin Joint Operational Programme to be drawn up for the next programming period in order fully to address and continue the efforts to achieve all the objectives stated in the ENPI CBC Strategy Paper 2007-2013; emphasises that uniform terms governing applications should be laid down, thereby giving any legal entity in any participating state in the programme area the possibility to apply as lead participant; considers that all countries in Black Sea Basin Joint Operational Programme should be involved and encouraged actively to participate in the next programming period;
9. Is convinced, therefore, that the success of the strategy depends on the provision of appropriate and identifiable funding; calls for the creation of a specific budget line for the Black Sea Strategy, and for the development of efficient disbursement methods, tailored to the specific characteristics of the region, and controls on the use of the funds; encourages priority financing of small-scale development projects; calls on the Commission and regions to promote people-to-people projects in the framework of cross-border cooperation and to provide for and enhance the financing instrument of the Small Project Fund;
10. Stresses the need for a project-based approach with a view to including local authorities, business communities, NGOs or other civil society organisations (CSOs) in designing, joint ownership and implementation of Black Sea Strategy activities; emphasises the importance of monitoring Black Sea Strategy activities through the definition of benchmarks or other appropriate indicators;
11. Encourages the development of synergies between the various Union policies that come into play in the Strategy, particularly the Structural Funds, the Research and Development Framework Programme and the Trans-European Transport Networks, in order to ensure the sustainability of the actions financed; in that way opportunities created by one economic development initiative can be taken up by another, complementary initiative;

Thursday 20 January 2011

12. Regards inclusiveness and regional ownership as important principles of the EU approach towards the region and sees Turkey and Russia as partners which should ideally be properly involved in Black Sea regional cooperation; believes that the dual role of Bulgaria, Romania and Greece as both riparian states and EU Member States is essential to the success of EU policy in the Black Sea region;

13. Considers that in order to provide visibility, strategic guidance and high-level coordination, ministerial meetings between the EU and the wider Black Sea region countries should be organised on a regular basis and include all actors and countries in the region, including the Organisation of the Black Sea Economic Cooperation (BSEC), the Commission on the Protection of the Black Sea against Pollution, the EBRD and the EIB; is convinced that an institutional dialogue bringing together the EU and the BSEC could constitute a step towards creating a genuine partnership in the region; notes, however, that the BSEC seems currently to be facing structural difficulties and to be in need of rejuvenation and reform in order to become an efficient regional partner;

14. Deplores the fact that the Black Sea Forum for Dialogue and Partnership has been adversely affected by regional tensions and, as a result, has not yet been established; considers that such a Forum could play a role in generating ideas and fostering dialogue among regional actors;

15. Believes that the Black Sea Strategy should be developed at all levels of regional cooperation; welcomes the parliamentary cooperation established between the EU and the Black Sea countries;

16. Recognises the importance of regional and local authorities and stakeholders for the planning and implementation of the strategy, given their close links with the territory and with local people; calls, therefore, for their needs to be identified and for them to be fully involved in the strategy;

17. Welcomes the creation of the Black Sea Civil Society Forum and encourages strengthened cooperation between local authorities, civil society and business; calls on the Commission to provide enhanced support for civil society, including CSO networks; underlines the role of the non-governmental sector in ensuring both the effective implementation of Black Sea Strategy activities and the success of confidence-building measures;

18. Stresses the complementary nature of the BSS and the Eastern Partnership, and calls on the Commission to make positive use of the differing approaches of the two initiatives and to clarify, at all levels, how this substantial degree of complementarity is to be exploited; calls on the Vice-President/High Representative of the Union for Foreign Affairs and Security Policy to ensure that the EEAS effectively coordinates the various initiatives and instruments deployed by the EU in the wider Black Sea region;

19. Welcomes the development of the EU Strategy for the Danube Region, which is to be completed by the end of this year, and calls for it to be endorsed and for a start to be made on its implementation in the first part of 2011; emphasises the need to extend the EU Strategy for the Danube Region towards the Black Sea region; points out that the sustainable development of the Danube region will further enhance the geostrategic importance of the Black Sea region; consequently, while acknowledging the differing nature of the regions and the distinct geographical focus of the two strategies, considers that they should be complementary and mutually reinforcing;

20. Stresses that the main objective pursued by the EU and the Member States in the EU Strategy for the Black Sea Region should be to establish an area of peace, democracy, prosperity and stability, founded on respect for human rights and fundamental freedoms and providing for EU energy security; considers that good governance, the rule of law, promotion of respect of human rights, migration management, energy, transport, the environment, and economic and social development should constitute priority actions;

### ***Security and good governance***

21. Recalls that the Black Sea region needs active policies and long-lasting solutions to cope with the considerable regional and transnational challenges facing it, such as protracted conflicts, displaced populations, bilateral disputes, closed borders and strategic rivalries leading to militarisation and proliferation of arms, weak institutions and governance and the deterioration of democratic rule, cross-border crime and trafficking, border and movement management, and poor maritime security and safety;

Thursday 20 January 2011

22. Stresses the vital importance of establishing, encouraging and developing good- neighbourly relations between the Black Sea countries as a premise for successful cooperation, and regards it as unacceptable that the region should still be facing the problem of closed borders between neighbours;
23. Believes that the EU can and should play a more active role in shaping the Black Sea security environment; calls for enhanced EU involvement in regional strategic dialogue, and EU cooperation with its strategic partners on security issues and on conflict prevention and resolution, in accordance with international law; stresses that the full development of the Black Sea Strategy is also linked to concrete progress towards the peaceful resolution of unresolved conflicts; calls therefore, on the EU for more direct engagement and to take a leading role in the negotiations and peace-making processes, to step up confidence-building measures and assistance programmes with a view to establishing the basis for lasting, comprehensive settlements, and to alleviate the consequences of conflicts for local people; applauds the work of EUBAM and EUMM;
24. Calls on the Vice-President/High Representative of the Union for Foreign Affairs and Security Policy to step up efforts to encourage Russia to comply with the six-point Sarkozy Plan to stabilise and resolve the conflict in Georgia;
25. Points to the need to strengthen monitoring systems and invites the EU to develop an early-warning system as a conflict-prevention and confidence-building tool in the Black Sea region, to avoid destabilisation and conflict-escalation; calls for the focus to be on concrete cases rather than general expressions of concern; calls for consideration to be given to confidence-building measures such as public disclosure of arms sales and naval military activities; expresses particular concern at the extension of the port agreement for Russia's Black Sea Fleet in Crimea and its possible impact on stability in the region;
26. Calls on the EU to take steps to establish a regional legal framework and mechanisms to deal with the proliferation of arms in the Black Sea region;
27. Calls for cross-border crime and trafficking, in particular in drugs and human beings, and illegal migration to be tackled in the Black Sea Strategy, also calls for a further strengthening of cooperation on border and movement management;
28. Stresses the need for better management of migration in and from the Black Sea region through the enhancement of the political, economic and social integration of immigrants, on the basis of the principles of the EU's Global Approach to Migration;
29. Notes the increase in the number of accidents at sea in recent years, involving human casualties and environmental damage, and the inability of the riparian states to carry out coordinated and successful rescue operations; in that connection, calls on the EU to use the Integrated Maritime Policy to coordinate search-and-rescue and accident-prevention activities in the Black Sea region; calls for the establishment of a Black Sea surveillance strategy;
30. Believes that a security strategy for the Black Sea region should also incorporate the objectives of improving governance, democratic rule, respect for human rights and state capabilities; calls on the Commission and the EEAS to mainstream initiatives on institution-building and democratic governance, which are indispensable for any state wishing to develop successfully; emphasises that the objective of improving governance, the rule of law and state structures in the former Soviet states of the region is in itself a security strategy, since total or partial state failure and political stagnation create the conditions for external interference and transnational threats;
31. Stresses that the EU strategy for the Black Sea region must place major emphasis on defending human rights and enhancing democracy throughout the region, which should include promoting successful cooperation among its non-governmental organisations and human rights defenders;
32. Notes that increasing respect for human rights and democracy around the world is among the EU's priorities; points out that human rights violations are a daily occurrence in occupied South Ossetia and Abkhazia; calls on the EU, and particularly the EEAS, therefore, to respond actively to all kinds of human rights violations in the Black Sea region;



Thursday 20 January 2011

33. Emphasises the important role that the OSCE plays in the region and regards it as essential that the EU should cooperate with the OSCE in the areas of institution-building, the rule of law, election observation, media freedom and democracy and human rights;

***Energy, transport and the environment***

34. Considers, on the one hand, the Black Sea region to be of strategic importance for EU energy security and the diversification of the EU's energy supply and, in that connection, reiterates the pressing importance of a coherent strategy for the Black Sea region; on the other hand, considers cooperation in the areas of energy, transport and the environment to be crucial to the harmonious and sustainable development of the region; welcomes the launch of the Environment Partnership, while eagerly awaiting the launch of the two other partnerships, on transport and energy; calls for their swift and efficient implementation; takes the view that the development of a common legal framework at regional level would be of great benefit in terms of more effective cooperation and synergies on these issues; believes that the establishment of, and support for, professional and institutional networks could enhance the capacity for cooperative and efficient decision-making;

35. Emphasises the need to strengthen multilateral energy cooperation in the Black Sea region, for which the WTO and the Energy Charter Treaty provide the key principles; supports full market and regulatory integration on the basis of EU energy and environment legislation and encourages the participation of countries in the wider Black Sea region in the Energy Community Treaty and EU, EIB and EBRD assistance for the modernisation of energy infrastructure in the Black Sea region;

36. Emphasises the importance of Member States taking a common approach towards the Black Sea region, with a view to achieving the EU's long-term objective of security of energy supply and stability in its neighbourhood;

37. Recalls the need for more vigorous action by the Commission in support of measures to diversify gas supply and for a common normative framework to promote a transparent, competitive and rules-based gas market; calls on the EU, at the same time, actively to develop cooperation with States in the Black Sea region and offer them greater opportunities to support energy projects of interest to the EU; welcomes, in that connection, the accession of the Republic of Moldova and Ukraine to the Energy Community;

38. Emphasises the urgency of establishing the Euronest Parliamentary Assembly, which will contribute to the achievement of the goals of the Eastern Partnership and will thus have a positive impact on issues relating to energy security;

39. Recalls the EU's aim of diversifying routes and sources of supply, as well as the drafting of an EU common energy policy; reiterates the importance of the Southern Corridor projects, in particular the fundamental importance to Europe's energy security of the EU strategic priority project Nabucco and of its swift realisation; takes note of the South Stream project; stresses, further, the significance of Liquefied Natural Gas (LNG) transportation to Europe, in the form of the AGRI project and the development of LNG terminals in Black Sea ports, and of the Constanta-Trieste Pan-European Oil Pipeline;

40. Urges the Commission to conclude agreements with the potential supplier countries for the Nabucco pipeline by the end of 2011;

41. Considers that the Energy Infrastructure Package shortly to be put forward by the Commission must place great emphasis on the proposed energy projects in the Black Sea region; draws attention to the fact that the transit routes which cut across the states in the region can significantly improve the EU's security of supply;

42. Emphasises the potential offered by renewable energy sources in the Black Sea region, which could make a major contribution to a secure energy future at global level and to sustainable economic growth, and calls on the Commission and the Black Sea riparian countries to unlock this potential;

Thursday 20 January 2011

43. Calls for the EU-Black Sea region partnership to include transfer of knowledge and technology in the areas of renewable energy, energy efficiency and technical support for grid design, and points out that energy saving is the key to increasing security of supply; supports research into alternative energy sources and, in particular, renewable energy, energy efficiency and energy savings, which are essential if we are to face the challenges of climate change and contribute to the global efforts to reduce greenhouse gas emissions;

44. Supports the continued development of initiatives under the TRACECA and INOGATE programmes; calls on the EU to strengthen further its support for infrastructure projects in the region, directly and through the coordination of other contributors and investors;

45. Considers that, for the purposes of international trade and the transport of hydrocarbons in the region, it is essential to develop the EU's Black Sea and maritime Danube ports, including oil and gas terminals and intermodal transport infrastructure; considers it necessary to modernise infrastructure in the Black Sea region and establish connections with European transport corridors; calls on the Commission and Member States to expedite the completion of priority trans-European transport projects along axes 7, 18, 21 and 22, as provided for in Annex II to Decision No 884/2004/EC of the European Parliament and of the Council of 29 April 2004 amending Decision No 1692/96/EC on Community guidelines for the development of the trans-European transport network and their progressive assimilation with the TRACECA corridor, the central axis, the south-east axis and the international maritime transport routes, as defined in the communication from the Commission to the Council and the European Parliament on 'Extension of the major trans-European transport axes to the neighbouring countries – Guidelines for transport in Europe and the neighbouring regions' (COM(2007)0032) and of Pan-European Transport Corridors 8 and 9;

46. Calls on the Black Sea riparian states to conclude a memorandum of understanding on the development of Black Sea maritime corridors and asks the Commission to open a TEN-T budget line with funding for Black Sea maritime corridors similar to those which already exist for the Baltic Sea, North Sea and Mediterranean Sea maritime corridors;

47. Welcomes the action taken to extend the EU Common Aviation Area to Black Sea countries; calls on the Commission to pursue the dialogue with the Republic of Moldova concerning the liberalisation of its air transport sector and swiftly to open negotiations for the Republic of Moldova's accession to the EU Common Aviation Area;

48. Stresses the importance of the Black Sea as a natural resource and expresses great concern at the environmental situation in the region emphasises the need for a balance to be struck between economic development and environmental protection, and the need for a common approach to this challenge, and stresses, therefore, the need for full implementation of the Convention on the Protection of the Black Sea Against Pollution;

49. Calls on the Commission to prioritise the requirements of energy efficiency and protection of the environment and climate when funding infrastructure projects, which should be based on a positive environmental assessment; recalls the challenges resulting from the effects of climate change for the Black Sea region, and therefore urges increased cooperation among the Black Sea riparian countries, especially in the field of emergency prevention;

50. Calls on the EU to include the Black Sea region in the Integrated Maritime Policy and, in particular, the Common Fisheries Policy (CFP) on an equal footing with the other European basins; the EU should make all the necessary diplomatic efforts to persuade the Black Sea states outside the EU to comply as closely as possible with the principles of the CFP; emphasises the importance of creating a separate common stocks management body for the Black Sea and of applying the mechanism of multiannual management plans;

#### ***Economic, social and human development***

51. Believes that the economic, social and human development of the region as a whole should be promoted; attaches particular importance to respect for human rights and fundamental freedoms in the region; points out that the region has extraordinary natural resources which can encourage rapid economic growth; stresses that the proper management of these resources is vital to the facilitation of such development;

Thursday 20 January 2011

52. Stresses that further liberalisation of trade and the intensification of intra-regional trade are essential to the economic development of the region; stresses the importance for the local populace and for the region's trading partners of establishing an area of economic opportunity and prosperity in the Black Sea region; stresses the need to combat fraud and corruption so as to make the region more attractive to investors; emphasises the importance of cooperation in the field of tourism and of port and coastline development; supports the EU's Integrated Maritime Policy, whose aim is the socio-economic development of maritime regions, but views with regret the fact that its Black Sea dimension is poorly developed; welcomes the results achieved in the area of cooperation on education, research and technology; endorses once again the goal of promoting social development and a strong civil society; stresses that the EU should proceed further in its dialogue with the countries of the region on visa facilitation;

53. Is convinced that the EU should play a greater role in the Black Sea region by offering the countries in the region more prospects for closer integration with EU policies; stresses that opportunities for trade liberalisation and the creation of a free trade area in accordance with WTO principles should be carefully considered, thoroughly examined and promoted;

54. Draws attention to the longstanding EU-Russia strategic partnership and the two countries' common interest in enhancing bilateral trade and investment, in facilitating and liberalising trade in the global economy and in strengthening and developing competition, including in the Black Sea region;

55. Recognises that the global financial crisis has hit the Black Sea region hard, bringing both a period of growth averaging 6 % per annum and the inflow of foreign capital necessary for the further economic development of the Black Sea States to a sharp halt, and has put the region's financial system under extreme stress; emphasises that this needs to be addressed by strengthening financial and banking regulations, improving fiscal credibility and transparency, fighting tax fraud, tax evasion and corruption, intensifying regional cooperation and enhancing coordination among regional organisations such as the BSEC;

56. Encourages the development, in the context of the Strategy, of an integrated approach and the use of the well-established principles of the EU's Cohesion Policy and Neighbourhood Policy, which can help deliver effective results while facilitating the capacity-building process for regions which are lagging behind; in particular, believes that cross-border cooperation between regions should be enhanced, in order to tackle common problems through coordinated action; points out that the European Grouping for Territorial Cooperation (EGTC) offers a suitable cooperation framework for structured, multi-level governance; calls on the Commission to explore ways of better coordinating the various European instruments providing for cross-border cooperation at the Union's external borders;

57. Points out that the exchange of best practices between regions is of pivotal importance for all areas of cooperation, in that regions with long experience of developing and implementing projects could help other regions to improve their performance;

58. Regards the improvement of the administrative capacity of all local and regional stakeholders in the Black Sea region as vital in order to ensure the efficient implementation and sound financial management of EU projects, greater transparency and accountability, and balanced territorial development across the region;

59. Emphasises the importance of visa facilitation and the mobility of persons in the region and urges the Commission to consider establishing preferential visa schemes for businessmen, academics, young people, local officials and other groups with a view to enhancing contacts across the whole region, in particular as far as confidence-building is concerned; encourages the development under aegis of the EU of joint projects relating to the promotion of cultural heritage and tourism in the region;

60. Believes that programmes promoting intercultural and interfaith dialogue need sustained encouragement in order to promote cooperation in the region, that joint initiatives in the field of education and

Thursday 20 January 2011

media are much needed in order to create and consolidate meaningful links between the and the opinion-formers in the region, and that initiatives such as the Black Sea Universities Network provide good examples of how academic interaction can trigger positive synergies in the region; calls for the strengthening of academic and student networks, e-infrastructures and collaborative research projects; welcomes the initiative to establish and support a College of the Black Sea to foster the emergence of a regional elite which sees cooperation as a natural method of tackling common challenges;

61. Acknowledges the results of the Black Sea Interconnection project to establish a regional research and education network in the wider Black Sea region and its link to GEANT, and calls on the Commission to continue to support research projects in the Black Sea region, such as HP-SEE, SEE-GRID, SCENE, CAREN and BSRN;

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62. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President/High Representative of the Union for Foreign Affairs and Security Policy, and the governments and parliaments of the Member States and all the Black Sea countries.

## **Pakistan: murder of the Governor of Punjab, Salmaan Taseer**

P7\_TA(2011)0026

### **European Parliament resolution of 20 January 2011 on Pakistan, in particular the murder of Governor Salmaan Taseer**

(2012/C 136 E/16)

*The European Parliament,*

- having regard to its previous resolutions on human rights and democracy in Pakistan, in particular those of 20 May 2010 <sup>(1)</sup> and 12 July 2007 <sup>(2)</sup>, 25 October 2007 <sup>(3)</sup> and 15 November 2007 <sup>(4)</sup>,
- having regard to its resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union's policy on the matter <sup>(5)</sup>,
- having regard to the Council conclusions of 16 November 2009 on freedom of religion or belief, in which the Council emphasises the strategic importance of this freedom and of countering religious intolerance,
- having regard to the EU-Pakistan Joint Statement of 4 June 2010, in which both sides reaffirmed their determination jointly to address regional and global security issues, to promote respect for human rights, and to cooperate to strengthen Pakistan's democratic government and institutions further,
- having regard to the declaration by its President of 19 November 2010 on the death sentence imposed on Asia Bibi,
- having regard to the statement of 4 January 2011 by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, on the murder of Governor Salmaan Taseer and to her statement of 12 November 2010 on a death penalty case in Pakistan,

<sup>(1)</sup> Texts adopted, P7\_TA(2010)0194.

<sup>(2)</sup> OJ C 175 E, 10.7.2008, p. 583.

<sup>(3)</sup> OJ C 263 E, 16.10.2008, p. 666.

<sup>(4)</sup> OJ C 282 E, 6.11.2008, p. 434.

<sup>(5)</sup> Texts adopted, P7\_TA(2010)0489.

Thursday 20 January 2011

- having regard to Article 18 of the 1948 Universal Declaration of Human Rights (UDHR),
- having regard to the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief,
- having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas Salmaan Taseer, Governor of the province of Punjab, was one of the most vocal and visible critics of Pakistan's blasphemy laws and of their misuse by extremist groups in cases such as that involving Asia Bibi, the Christian woman sentenced to death for blasphemy under Section 295-C of the Pakistan Penal Code,
- B. whereas on 4 January 2011 Salmaan Taseer was assassinated in Islamabad by one of his own security guards, Malik Mumtaz Hussein Qadri, who disagreed with Taseer's opposition to Pakistan's blasphemy laws,
- C. whereas none of the other security guards who witnessed Governor Taseer's assassination made any attempt to stop the murderer; whereas the murderer was cheered and supported by hundreds of lawyers when he appeared in court and tens of thousands of demonstrators marched in the streets of Karachi to show their approval of his actions; and whereas a leading Imam has reportedly issued a fatwa against Sherry Rehman, a former Pakistani minister, reformist politician and well-known journalist, identifying her as the next target for murder,
- D. whereas following the tragic event a broad alliance of the country's clergy, represented by Jamaate Ahle Sunnat Pakistan, an organisation that speaks on behalf of the moderate Bareilvi sect, issued a statement condoning the murder of Governor Taseer and lionising his assassin, saying that 'no Muslim should attend the funeral or even try to pray for Salmaan Taseer or even express any kind of regret or sympathy over the incident' and demanding that no Muslim should offer funeral prayers, nor any religious cleric perform the funeral of the assassinated governor,
- E. whereas the 'Fundamental Rights' chapter of the 1973 Pakistan Constitution guarantees 'freedom to profess religion and manage religious institutions' (Article 20), equality of all citizens (Article 25) and the 'legitimate rights and interests of minorities' (Article 26),
- F. whereas on 25 December 2009 President Asif Ali Zardari reiterated the pledge made by the Pakistan People's Party to uphold the right of all minorities to be treated as equal citizens,
- G. whereas the legal provisions known as the 'blasphemy laws', introduced in 1982 and 1986, undermine the fundamental religious and minority rights granted by the Constitution, are misused by extremist groups and those wishing to settle personal scores, and have led to an increase in violence against members of religious minorities and against citizens who dare to raise their voices to criticise injustice,
- H. whereas the vast majority of people accused under the blasphemy laws are Muslim, but accusations against individuals from minority faiths can trigger disproportionate violence against their community as a whole,
- I. whereas on 30 December 2010 the Pakistan Government publicly reneged on its manifesto commitment to review discriminatory laws, announcing in a policy statement that it had no intention of repealing or amending the blasphemy laws,
- J. whereas the murder of Governor Taseer raises security concerns for judges who hear blasphemy cases, given that Pakistan's lower court judges have already been pressured by Muslim extremists and even higher court judges might be reluctant to hand down unbiased rulings in religious persecution cases for fear of terrorist attacks against their lives,

Thursday 20 January 2011

- K. whereas since Governor Taseer's assassination moderate voices, religious minorities and human rights defenders have felt increasingly insecure,
- L. whereas Article 3(5) of the Treaty on European Union states that the promotion of democracy and respect for human rights and civil liberties are fundamental principles and aims of the European Union and constitute common ground for its relations with third countries; whereas EU trade and development assistance is conditional on respect for human rights and minority rights,
1. Strongly condemns the brutal murder of Salmaan Taseer, Governor of Pakistan's Punjab province, on 4 January 2011 at a market in Islamabad, commends his courage and moral strength in taking a stance in favour of religious tolerance and humane treatment of the disempowered, despite the polarised political climate in Pakistan, and extends its condolences to the victim's family and to the people of Pakistan;
  2. Urges the Pakistan authorities to conduct a thorough investigation into all aspects of the murder and bring all the perpetrators of this crime rapidly to justice, in keeping with the strict rule of law;
  3. Notes that many human rights groups criticised the lack of support for Governor Taseer's courageous stands from Pakistan's leaders - whether politicians or members of the military - and expresses its consternation and great concern at the amount of popular support, even among the legal profession, for religious intolerance and outright murder manifested in the demonstrations and public backing for the killer; calls on the Pakistan Government not to allow moderate voices in the country to be silenced by extremists;
  4. Is deeply concerned that sections of the military, the judiciary and the political class would tacitly or even openly support the appeasement of political and religious extremists in Pakistan;
  5. Expresses its concern at the fact that the murderer of Governor Taseer in Islamabad was a policeman from the governor's own protection unit; calls on the Pakistan Government to rid the Pakistani security forces of Islamic extremist elements and to ensure that the security forces abide by the constitution and the rule of law;
  6. Expresses its support for all measures taken by the Pakistan Government in the fight against the spread of violent extremism;
  7. Is concerned that the Pakistani blasphemy laws, which were publicly opposed by the late Governor Taseer, are still being used to persecute religious denominations, including Christians such as Asia Bibi, the mother of five children, who has been sentenced to death;
  8. Calls on the Pakistani authorities immediately to release Asia Bibi and to take measures to guarantee the safety of her family, who have had to go into hiding; calls on President Zardari to use his constitutional authority to pardon her following conclusion of the appeal lodged on her behalf;
  9. Deplores the fact that the two largest religious political parties in Pakistan have declared that Salmaan Taseer deserved to be killed for his views, thus further inciting fear and appeasing both political and religious terrorism and crime;
  10. Is concerned that free speech, including on the Internet, may be curtailed in Pakistan following Governor Taseer's assassination, as religious scholars from the Jamaat e-Ahl e-Sunnat Pakistan are openly stating that 'supporters are equally as guilty as one who committed blasphemy', adding that 'politicians, the media and others should learn a lesson from this exemplary death';
  11. Welcomes the condemnation of the murder by significant sections of the Pakistani press and notes the action taken by the Pakistani media regulator against certain television stations in response to aspects of their coverage of the event;



Thursday 20 January 2011

12. Supports the call from senior Pakistani journalists for an examination of the role of the media in providing a platform for fringe preachers and other extremists who had openly threatened Taseer and other like-minded public figures;
13. Expresses its deep concern that the blasphemy laws – which can carry the death sentence in Pakistan and are often used to justify censorship, criminalisation, persecution and, in certain cases, the murder of members of political, racial and religious minorities – are open to forms of misuse that affect people of all faiths in Pakistan;
14. Reiterates its call to the Pakistan Government to carry out a thoroughgoing review of the blasphemy laws and their current application, including the mandatory death penalty or life imprisonment prescribed by Section 295 C of the Pakistan Penal Code, which prescribes a mandatory death penalty for anyone found guilty of blasphemy against the Prophet Mohammed, with a view to implementing amendments;
15. Commends in particular the efforts of Shahbaz Bhatti, the Minister for Minorities, who has introduced a bill seeking the abolition of the death penalty for the crime of blasphemy; looks to the Pakistani authorities to do their utmost to protect the lives of all who are threatened by Islamist radicals for their secular or divergent views, especially lawyers, judges and human rights activists defending the rule of law;
16. Expects the Pakistan Government to take all necessary measures to guarantee the safety of all judges in Pakistan, allowing them to fulfil their constitutional role without fear of intimidation, violence or harassment;
17. Views positively the signing by Pakistan of the instruments of ratification of the UN International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (CAT); calls on the Pakistan Government to withdraw the reservations on these two agreements and to guarantee freedom of belief as enshrined in the UN Covenant, providing protection for their citizens in order to enable them to practise their faith freely;
18. Calls on the Pakistan Government to guarantee the human rights of minorities as laid down in the Constitution and the UDHR, in particular Article 18 thereof, which stipulates that ‘everyone has the right to freedom of thought, conscience and religion’;
19. Supports all initiatives aimed at promoting dialogue and mutual respect among communities; calls on the political and religious authorities in Pakistan to promote tolerance and to take initiatives against hatred and violent extremism;
20. Urges the Pakistan Government to implement the proposed reforms of the education system and to regulate and inspect madrasas; invites the Pakistani authorities to remove all propaganda promoting hatred, religious superiority and defamation of religion from the textbooks approved by the national curriculum department of the Ministry of Education;
21. Calls on the European External Action Service to include the issue of religious tolerance in society in its political dialogue with Pakistan, this matter being of central importance to the long-term fight against religious extremism;
22. Calls on the Member States and the Commission to continue to provide financial support for human rights organisations and defenders and to outline practical measures to support the civil-society movement in Pakistan against the blasphemy laws and other discriminatory legislation;
23. Urges the European External Action Service to insist that the Pakistan Government uphold the democracy and human rights clause enshrined in the Cooperation Agreement between the European Union and the Islamic Republic of Pakistan; calls on the Commission to present a report on the implementation of the Cooperation Agreement and the democracy and human rights clause;

Thursday 20 January 2011

24. Calls on European External Action Service to support the Pakistan Government in developing its Ministry for Human Rights and in establishing a meaningful, independent and authoritative National Human Rights Commission;

25. 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, and the Government and Parliament of Pakistan.

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## **Brazil: extradition of Cesare Battisti**

P7\_TA(2011)0027

### **European Parliament resolution of 20 January 2011 on Brazil: extradition of Cesare Battisti**

(2012/C 136 E/17)

*The European Parliament,*

- having regard to its resolution of 5 February 2009 on the refusal to extradite Cesare Battisti from Brazil <sup>(1)</sup>,
- having regard to its recommendation to the Council of 12 March 2009 on the European Union-Brazil Strategic Partnership <sup>(2)</sup>, and in particular paragraph 1(n) thereof, which expressly mentions the mutual recognition of final judgements,
- having regard to the Framework agreement for cooperation between the European Community and the Federative Republic of Brazil,
- having regard to the Treaty on European Union, and the principles enshrined therein concerning democracy and the rule of law, on which the EU is founded,
- having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the partnership between the EU and Brazil is built on mutual confidence and on respect for democracy, the rule of law and fundamental rights,
- B. whereas economic, trade and political relations between Brazil and the EU are excellent and buoyant, and are founded on, inter alia, shared principles such as respect for human rights and the rule of law,
- C. whereas Cesare Battisti, an Italian citizen, was found guilty at seven trials and convicted *in absentia*, in final judgements handed down by the Italian courts, of four murders and of involvement in an armed group, robbery and possession of firearms, and sentenced to two terms of life imprisonment,
- D. whereas Cesare Battisti went into hiding until he was arrested in Brazil in March 2007,
- E. whereas Cesare Battisti lodged an application with the European Court of Human Rights in respect of his extradition to Italy, and whereas that application was declared inadmissible in December 2006,
- F. whereas the provisions and rules of the 1989 Extradition Treaty between Italy and the Federative Republic of Brazil seek to define cooperation arrangements between the authorities of the two states in the field of extradition, in full accordance with the guarantees provided for under their respective legal systems,

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<sup>(1)</sup> OJ C 67 E, 18.3.2010, p. 146.

<sup>(2)</sup> OJ C 87 E, 1.4.2010, p. 168.

Thursday 20 January 2011

- G. whereas on 18 November 2009 the Brazilian Supreme Court decided to allow the extradition of Cesare Battisti and authorised the incumbent President of the Federative Republic of Brazil to release the prisoner to Italy, in accordance with the rules of the Extradition Treaty between Italy and Brazil,
- H. whereas on 31 December 2010 the then-incumbent President decided to refuse the extradition of Cesare Battisti,
- I. whereas that decision is being challenged by the Italian Government before the Brazilian Supreme Court,
- J. whereas Cesare Battisti's lawyers have formally applied to the same court for his immediate release,
- K. whereas on 6 January 2011 the President of the Brazilian Supreme Court refused the immediate release of Cesare Battisti and officially reopened the case, which will be considered in February when the Court resumes work,
1. Acknowledges that respect for the legality and independence of the judiciary, including fair treatment of those who have been convicted, is one of the basic values of the EU and of its Member States, as well as of Brazil;
2. Points out that the partnership between the EU and the Federative Republic of Brazil is based on the mutual understanding that both parties uphold the rule of law and fundamental rights, including the right of defence and the right to a fair and equitable trial;
3. Expresses confidence that, in the light of such considerations, the competent Brazilian authorities will exercise their right – and fulfil their duty – to process the Italian Government's new request that the decision on the extradition of Cesare Battisti be reviewed, and explore ways of ensuring that the bilateral treaty on extradition is interpreted correctly;
4. Calls on the European External Action Service to conduct a political dialogue with Brazil and to ensure that every decision taken complies fully with the EU's basic principles and is conducive to good relations with the Member States;
5. Instructs its President to forward this resolution to the Vice-President of the European Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Brazilian Government, the President of the Federative Republic of Brazil, the President of the Brazilian Congress and the Chair of the Delegation for relations with the Mercosur countries.

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## Iran, in particular the case of Nasrin Sotoudeh

P7\_TA(2011)0028

### European Parliament resolution of 20 January 2011 on Iran – the case of Nasrin Sotoudeh

(2012/C 136 E/18)

*The European Parliament,*

— having regard to its previous resolutions on Iran, notably those concerning human rights, and in particular those of 10 February 2010 <sup>(1)</sup> and 8 September 2010 <sup>(2)</sup>,

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<sup>(1)</sup> OJ C 341 E, 16.12.2010, p. 9.

<sup>(2)</sup> Texts adopted, P7\_TA(2010)0310.

Thursday 20 January 2011

- having regard to the declaration made by the UN High Commissioner for Human Rights, Navi Pillay, on 23 November 2010, expressing concern about the case of Nasrin Sotoudeh and stating that this was part of a much broader crackdown and that the situation of human rights defenders in Iran was growing more and more difficult,
  - having regard to the United Nations Declaration on Human Rights Defenders, which the United Nations General Assembly adopted by consensus in 1998, stipulating that states 'shall take all necessary measures to ensure the protection by the competent authorities of human rights defenders against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary actions' as a consequence of their legitimate efforts to promote human rights,
  - having regard to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural and the Convention on the Rights of the Child, to which Iran is a party,
  - having regard to the United Nations General Assembly resolution of 21 December 2010 on the situation of human rights in the Islamic Republic of Iran,
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas Nasrin Sotoudeh, a prominent Iranian human rights lawyer, was sentenced to 11 years in jail on charges of 'acting against national security', 'membership of the Centre for Human Rights Defenders', not wearing hejab (Islamic dress) during a videotaped message, and 'propaganda against the regime'; whereas she was also banned from practising law and travelling for 20 years after completion of her sentence,
- B. whereas Sotoudeh, a mother of two children, was arrested on 4 September 2010, held for long periods in solitary confinement, reportedly tortured and denied contact with her family and lawyer, and whereas she came close to death after a hunger strike to protest against her prison conditions and violations of due process,
- C. whereas Sotoudeh's husband, Reza Khandan, was summoned by the police on 15 January 2011 and detained overnight, released on a third-person guarantee and is under prosecution because of his advocacy on behalf of his wife,
- D. whereas Nasrin Sotoudeh has been the lawyer of the Dutch national Zahra Bahrami, who was arrested after the Ashura protests on 27 December 2009 and has been recently sentenced to death,
- E. whereas Sotoudeh's sentence is part of a systematic assault on human rights lawyers and activists in Iran, which includes the sentencing on 7 January 2011 of Shiva Nazarahari, co-founder of Committee of Human Rights Reporters and a prominent activist, to four years in prison and 74 lashes and the sentencing on 30 October 2010 of a prominent lawyer, Mohammad Seifzadeh, to nine years in prison and a ten-year ban from practising law; whereas human rights lawyer Mohammad Oliyafar is serving a one-year sentence for his advocacy on behalf of his clients; whereas other human rights defenders facing imminent prosecution in Iran are Mohammad Ali Dadkhah, Abdolfattah Soltani and Houtan Kian,
- F. whereas, over one year after the Ashura demonstrations in December 2009, hundreds of Iranian citizens who were arrested still linger in prison and the authorities have continued to make arrests throughout the year, in particular on the occasion of Students' Day of 7 December 2010, and whereas according to reports by Amnesty International over 70 students are still detained,
- G. whereas journalists and bloggers also continue to be targeted, with reportedly over 30 journalists behind bars at the moment, and even acclaimed representatives of Iranian culture, such as film director Jafar Panahi, who in December 2010 was banned from film-making for 20 years as well as sentenced to 6 years' imprisonment, are denied freedom of expression,

Thursday 20 January 2011

- H. whereas forced confessions, 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,
- I. whereas, instead of extrajudicial killings being investigated, the mourning relatives of those who have been killed may face arrest, as in the case of Mahdi Ramazani, who was taken into custody at the grave site of his son in December 2010 and confronted with exorbitant bail conditions, which he is in no capacity to pay,
- J. whereas Iran has pledged to the international community that it will abide by the International Covenant on Civil and Political Rights,
1. Calls on the Government of the Islamic Republic of Iran to immediately and unconditionally release Nasrin Sotoudeh and all other prisoners of conscience, and considers that Nasrin Sotoudeh's sentence is of a political nature, aimed at taking one of Iran's leading human rights defenders out of practice;
  2. Strongly condemns the extraordinarily harsh sentence against Nasrin Sotoudeh and the intimidation of her husband, and commends her for her courage and commitment;
  3. Calls on the Islamic Republic of Iran to adhere to the standards set forth by the UN Basic Principles on the Role of Lawyers, which states that lawyers must be allowed to carry out their work 'without intimidation, hindrance, harassment or improper interference' and recognises that lawyers are entitled to freedom of expression, including 'the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights';
  4. Deeply deplores the lack of fairness and transparency in the judicial process in Iran and calls on the Iranian authorities to uphold due process in law and practice; appeals to the head of the Iranian Judiciary, Ayatollah Sadegh Amoli Larijani, to establish an independent commission to examine the prosecution of human rights lawyers and to hold accountable all officials who have participated in illegal procedures;
  5. Calls on the authorities to combat the impunity of human rights violators within the security forces; reiterates its demand for an independent investigation into allegations of extrajudicial executions since the disputed June presidential elections and for alleged violators to be brought to justice;
  6. Calls on the Government of Iran to cooperate fully with all international human rights mechanisms, to continue exploring cooperation on human rights and justice reform with the United Nations and to fully implement the recommendations of the Universal Periodic Review;
  7. 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;
  8. 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;
  9. Urges the Iranian authorities to reconsider the sentence imposed on Zahra Bahrami, and to grant her a fair trial and access to Dutch authorities, given her Dutch citizenship, in accordance with international standards;
  10. Calls on the European External Action Service 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 and local authorities to support initiatives such as the European Shelter City Programme and the International Cities of Refugee;

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**Thursday 20 January 2011**

11. 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 Iranian officials who are responsible for violations of human rights, repression and curtailment of freedom in Iran;
  12. Calls on EU representatives and the Vice-President of the Commission/High Representative of the Union of Foreign Affairs to re-engage in talks about human rights with the Islamic Republic of Iran;
  13. Instructs its President to forward this resolution to 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 Human Rights Council, the President of the Iranian Supreme Court and the Government and Parliament of the Islamic Republic of Iran.
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Thursday 20 January 2011

## RECOMMENDATIONS

## EUROPEAN PARLIAMENT

**EU-Libya Framework Agreement**

P7\_TA(2011)0020

**European Parliament recommendation of 20 January 2011 to the Council on the negotiations on the EU-Libya Framework Agreement (2010/2268(INI))**

(2012/C 136 E/19)

*The European Parliament,*

- having regard to the proposal for a recommendation to the Council by Ana Gomes on behalf of the S&D Group on the ongoing negotiations on the EU-Libya Framework Agreement (B7-0615/2010),
- having regard to the General Affairs and External Relations Council conclusions of 15 October 2007 on opening discussions for a Framework Agreement between the EU and Libya, as well as the European Council conclusions of 18-19 June and 29-30 October 2009 on migration-related policies,
- having regard to the Memorandum of Understanding jointly signed by Commissioner Ferrero-Waldner and European Affairs Secretary El Obeidi on 23 July 2007,
- having regard to the ongoing negotiations between the EU and Libya on a Framework Agreement,
- having regard to the HIV Action Plan for Benghazi, launched in November 2004,
- having regard to the current EU-Libya practical cooperation on migration and to the Migration Cooperation Agenda signed by the Commission and Libya on 4 October 2010,
- having regard to the Universal Declaration of Human Rights of 10 December 1948,
- having regard to the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the Status of Refugees,
- having regard to several human rights instruments that Libya has signed, such as the International Covenant on Civil and Political Rights (1970), the International Covenant on Economic, Social and Cultural Rights (1970), the International Convention on the Elimination of All Forms of Racial Discrimination (1968), the Convention on the Elimination of All Forms of Discrimination against Women (1989), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1989), the Convention on the Rights of the Child (1993) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (2004),
- having regard to United Nations General Assembly (UNGA) Resolution 62/149 of 18 December 2007 calling for a moratorium on the use of the death penalty, and UNGA Resolution 63/168 of 18 December 2008 calling for the implementation of the 2007 General Assembly resolution 62/149,
- having regard to the African Charter on Human and Peoples' Rights and its protocol on the establishment of an African Court on Human and Peoples' Rights, ratified by Libya on 26 March 1987 and 19 November 2003 respectively,

Thursday 20 January 2011

- having regard to the African Union Convention governing the specific aspects of refugees in Africa of September 1969, to which Libya has been a party since 17 July 1981,
  - having regard to the Charter of Fundamental Rights of the European Union,
  - having regard to its resolutions of 18 January 2007 on the death sentence imposed on medical personnel in Libya <sup>(1)</sup> and of 17 June 2010 on executions in Libya <sup>(2)</sup>,
  - having regard to Rule 121(3) and Rule 97 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A7-0368/2010),
- A. whereas, despite the persisting authoritarian rule and the systematic violation of international conventions on fundamental rights and freedoms, Libya has expanding commercial and political relations with EU Member States and plays a role as a partner for the EU in the Mediterranean region and in Africa, across a wide range of issues with an impact on security and stability, notably migration, public health, development, trade and economic relations, climate change, energy and cultural heritage,
- B. whereas several EU Member States have close relations with Libya, with national companies and banks serving as a vehicle for Libyan financial investment in Europe, and whereas on 30 August 2008 Italy signed a Friendship Agreement with Libya governing relations in various fields, including cooperation on managing migration and financial reparations for war and colonial rule; whereas on 9 November 2010 the Italian Parliament asked the Government to revise this Treaty,
- C. whereas the EU-Libya Framework Agreement currently under negotiation covers a wide range of areas, from strengthening political dialogue to managing migration, developing trade and economic relations, energy security and improving cooperation in different sectors; whereas the Framework Agreement is expected to provide an opportunity to step up political dialogue between Libya and the EU,
- D. whereas respect for human rights, democracy and the rule of law, as well as opposition to the death penalty, are fundamental EU principles; whereas Parliament is strongly committed to the universal abolition of the death penalty and repeatedly urged the revocation of the death sentences and release from prison of the five Bulgarian nurses and the Palestinian doctor who were imprisoned in Libya for several years, besides condemning executions of Libyan and non-Libyan citizens which have taken place in Libya,
- E. whereas Libya has ratified the African Union Convention governing specific aspects of refugee problems in Africa, Article 8 of which underlines that this Convention shall be an effective complement in Africa of the 1951 UN Convention on Refugees and that its Members should cooperate with the UNHCR; whereas, however, Libya has not ratified the 1951 UN Convention on Refugees, which is the only international convention which provides a comprehensive definition of refugees, to be accompanied by binding protection measures and a specific mechanism for monitoring by the Office of the United Nations High Commissioner for Refugees,
- F. whereas there is substantial evidence of Libya's practice of widespread discrimination against migrant workers on the basis of their national or ethnic origin, particularly its racial persecution of African migrant workers, and whereas the European Parliament is deeply concerned about reported acts of sexual violence against women,
- G. whereas Article 19(2) of the Charter of Fundamental Rights of the EU bans any removal, expulsion or extradition to a state of persons who are at a serious risk of being subjected to the death penalty, torture or other inhuman or degrading treatment or punishment,
- H. whereas Libya was elected to the UN Human Rights Council on 13 May 2010 and has ratified several human rights instruments and whereas, as a consequence, Libya has specific international legal

<sup>(1)</sup> OJ C 244 E, 18.10.2007, p. 208.

<sup>(2)</sup> Texts Adopted, P7\_TA(2010)0246.

Thursday 20 January 2011

obligations to respect human rights, but has failed so far to take concrete measures to improve its human rights record and to launch genuine cooperation with the UN Special Procedures and Treaty Bodies; whereas human rights are indivisible and yet, despite enjoyment of some economic and welfare benefits due to the State's distribution of the national income, Libyans and foreigners in Libya do not enjoy most civil and political rights, namely freedom of expression, assembly and association, the right to a fair trial, labour rights, women's rights and free elections, and whereas cases of arbitrary detention, torture, involuntary disappearances and discrimination often occur, notably affecting migrants,

- I. whereas the exercise of State power in Libya is not anchored in the rule of law or in democratic accountability and has led to arbitrary and unpredictable behaviour regarding foreign persons and interests, such as recently occurred with Swiss businessmen, and foreigners executed for common criminality, whose identity was not disclosed,

1. Addresses, in the context of the ongoing Framework Agreement negotiations, the following recommendations to the Council:

- (a) Notes the recent Council decision to finally allow a limited number of Members of Parliament to read the mandate given to the Commission to negotiate a Framework Agreement between the EU and Libya; regrets however the delay in this decision and calls for the EP to be granted access to the mandates of all international agreements under negotiation, in accordance with Article 218(10) TFEU, which states that Parliament shall be immediately and fully informed at all stages of the procedure;
- (b) Welcomes the opening of negotiations between the EU and Libya, as a step to develop a new relationship for the EU in the Mediterranean region and in Africa; considers cooperation with Libya useful in addressing issues such as security and stability, migration, public health, development, trade, climate change, energy and culture;
- (c) Urges the Council and the Commission to strongly recommend that Libya ratify and implement the Geneva Convention on Refugees of 1951 and its 1967 Protocol, including full cooperation with UNHCR so as to guarantee adequate protection and rights for migrants, and adopt asylum legislation that recognises refugees' status and rights accordingly, notably the prohibition of collective expulsion and the principle of 'non-refoulement';
- (d) Reminds the Council and the Commission of their obligations to ensure full compliance of the EU's external policy with the Charter of Fundamental Rights, particularly its Article 19, which prohibits collective expulsion and grants the principle of 'non-refoulement';
- (e) Urges the Council and the Commission to request that the Libyan authorities sign a Memorandum of Understanding granting UNHCR a legal presence in the country, with a mandate to exercise its full range of access and protection activities;
- (f) Urges the Council and the Commission to ensure that a readmission agreement with Libya could only be envisaged for irregular immigrants, excluding therefore those who declare themselves asylum-seekers, refugees or persons in need of protection, and reiterates that the principle of 'non-refoulement' applies to any persons who are at risk of the death penalty, inhumane treatment or torture;
- (g) Calls on the Council to offer resettlement to recognised refugees identified by UNHCR in Libya according to the agreed Migration Cooperation Agenda of 4 October 2010;
- (h) Calls on the Council and the Commission to strengthen their support for UNHCR activities while promoting towards the Libyan authorities respect for international humanitarian standards for undocumented migrants in the country, including the systematic access of the UNHCR to detention centres;

Thursday 20 January 2011

- (i) Calls on the Council and the Commission to propose assistance to Libya, involving UNHCR, IOM, ICMPD and other expert agencies, aimed at addressing the problem of trafficking of human beings in the region, with special attention to the protection of women and children, including assistance to integrate legal migrants and to improve conditions for migrants found illegally in the country; to this effect welcomes the agreement on a migration cooperation agenda signed between Commissioners Malmström and Füle and the Libyan authorities in October 2010;
- (j) Urges the Commission to disclose to Parliament all detailed information related to the financial external instruments used for the EU-Libya Partnership Agreement;
- (k) Urges the Council to encourage Libya to commit to a moratorium on the death penalty, in compliance with the UNGA resolutions adopted on 18 December 2007 and 18 December 2008, with a view to abolishing the death penalty, and to release statistics on all persons executed in Libya since 2008 and divulge the identity of the persons concerned and the charges on which they were convicted; calls on the HR/VP to demonstrate the political priority which the EU assigns to abolition of the death penalty by systematically raising this issue with Libyan authorities;
- (l) Calls on the Council to insist on the inclusion in the Framework Agreement of a clause on the International Criminal Court, leading Libya to consider ratifying the Rome Statute;
- (m) Calls on the Council to propose to Libya cooperation on programmes to strengthen regional synergies on sustainable development and environmental matters, such as climate change, water scarcity and desertification;
- (n) Calls on the Council and the Commission to encourage, during the negotiations on the Framework Agreement, Libya's participation in the Euro-Mediterranean Partnership and the activities and main projects of the Union for the Mediterranean;
- (o) Calls on the Commission to fully respect its obligation under Article 218 TFEU by duly informing Parliament on what is being sought by the EU on 'nuclear cooperation' with Libya under the 'Energy' chapter in the Framework Agreement negotiations, including all political and security implications;
- (p) Congratulates Libyan health authorities and professionals on the remarkable improvement in medical and scientific capacities to deal with HIV-AIDS, which was achieved through the Benghazi Action Plan, jointly implemented by the EU and Libya, and supports the requested extension of such cooperation to other infectious diseases and other medical centres in Libya; calls on EU Member States to extend specialised healthcare to Libyan patients, including facilitating temporary treatment in specialised institutions in Europe;
- (q) Considers that the Framework Agreement should include assistance on institutional capacity building, as a means to strengthen civil society, support modernisation, encourage democratic reforms, independent media and an independent judiciary, and encourage other efforts to open up space for business, academia, NGOs and other Libyan stakeholders;
- (r) Calls on the Council and Commission to ensure that the programmes designed for trade focus on provision of actual support to enterprises, particularly small and medium-sized businesses, in order to maximise their export potential;
- (s) Calls on the Council and Commission to encourage Libya to fully respect its pledges given when acceding to the UNHRC and thus urges Libya to issue standing invitations to those appointed under UN special procedures such as the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture, the Special Rapporteur on freedom of expression and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance as well as the Working Group on enforced and involuntary disappearances and the Working Group on arbitrary detentions, as requested in the recent Universal Periodic Review on Libya; calls in the same spirit for unfettered access to the country for independent scrutiny of the overall human rights situation;

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**Thursday 20 January 2011**

- (t) Calls on the Council to ensure that Schengen visas for Libyans are issued without unnecessary delays, to examine other facilitation procedures and to persuade Libyan authorities to facilitate visas for Europeans residing or conducting professional activities in Libya;
  - (u) Recommends the establishment of an EU Delegation in Tripoli as soon as possible;
2. Instructs its President to forward this recommendation to the Council and, for information, to the Commission and the Governments of the Member States.
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Tuesday 18 January 2011

### III

(Preparatory acts)

## EUROPEAN PARLIAMENT

### **Mergers of public limited liability companies \*\*\*I**

P7\_TA(2011)0001

**European Parliament legislative resolution of 18 January 2011 on the amended proposal for a directive of the European Parliament and of the Council concerning mergers of public limited liability companies (codification) (COM(2010)0391 – C7-0209/2010 – 2008/0009(COD))**

(2012/C 136 E/20)

(Ordinary legislative procedure – codification)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0026), and the amended proposal (COM(2010)0391),
  - having regard to its position at first reading of 17 June 2008 <sup>(1)</sup>,
  - having regard to Article 294(2) and Article 50(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0209/2010),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 21 October 2010 <sup>(2)</sup>,
  - having regard to the Interinstitutional Agreement of 20 December 1994 – Accelerated working method for official codification of legislative texts <sup>(3)</sup>,
  - having regard to Rules 86 and 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs (A7-0363/2010),
- 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.

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<sup>(1)</sup> OJ C 286 E, 27.11.2009, p. 60.

<sup>(2)</sup> Not yet published in the Official Journal.

<sup>(3)</sup> OJ C 102, 4.4.1996, p. 2.



Tuesday 18 January 2011

**P7\_TC1-COD(2008)0009**

**Position of the European Parliament adopted at first reading on 18 January 2011 with a view to the adoption of Directive 2011/.../EU of the European Parliament and of the Council concerning mergers of public limited liability companies (codification)**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2011/35/EU.)*

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**Protocol to the Euro-Mediterranean Agreement between the EC and Jordan, to take account of the accession of Bulgaria and Romania to the EU \*\*\***

P7\_TA(2011)0002

**European Parliament legislative resolution of 18 January 2011 on the draft Council decision on the conclusion of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union (06903/2010 – C7-0384/2010 – 2007/0231(NLE))**

(2012/C 136 E/21)

(Consent)

*The European Parliament,*

- having regard to the draft Council decision (06903/2010),
  - having regard to the draft Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union (09373/2008),
  - having regard to the request for consent submitted by the Council in accordance with Article 217 and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0384/2010),
  - having regard to Rules 81, 90(8) and 46(1) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Foreign Affairs (A7-0373/2010),
1. Consents to conclusion of the Protocol;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Hashemite Kingdom of Jordan.
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Tuesday 18 January 2011

### **EC–West African Economic and Monetary Union air services agreement \*\*\***

P7\_TA(2011)0003

**European Parliament legislative resolution of 18 January 2011 on the draft Council decision on the conclusion of the Agreement between the European Community and the West African Economic and Monetary Union on certain aspects of air services (06646/2010 – C7-0103/2010 – 2008/0145(NLE))**

(2012/C 136 E/22)

(Consent)

*The European Parliament,*

- having regard to the draft Council decision (06646/2010),
  - having regard to the draft Agreement between the European Community and the West African Economic and Monetary Union on certain aspects of air services (06190/2009),
  - having regard to the request for consent submitted by the Council in accordance with Article 100(2), Article 218(8), first subparagraph, and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0103/2010),
  - having regard to Rules 81 and 90(8) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Transport and Tourism (A7-0361/2010),
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 the West African Economic and Monetary Union.

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### **Harmonised conditions for the marketing of constructions products \*\*\*II**

P7\_TA(2011)0004

**European Parliament legislative resolution of 18 January 2011 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (10753/3/2010 – C7-0267/2010 – 2008/0098(COD))**

(2012/C 136 E/23)

(Ordinary legislative procedure: second reading)

*The European Parliament,*

- having regard to the Council position at first reading (10753/3/2010 – C7-0267/2010),
- having regard to the Commission proposal to the European Parliament and to the Council (COM(2008)0311) and to the amended proposal (COM(2009)0579),
- having regard to Article 251(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0203/2008),

Tuesday 18 January 2011

- 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) of the Treaty on the Functioning of the European Union,
  - having regard to its position at first reading <sup>(1)</sup>,
  - having regard to the opinion of the European Economic and Social Committee of 25 February 2009 <sup>(2)</sup>,
  - having regard to the undertaking given by the Council representative by letter of 8 December 2010 to approve Parliament’s position at second reading, in accordance with Article 294(8) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 66 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on the Internal Market and Consumer Protection (A7-0343/2010),
1. Adopts its position at second reading hereinafter set out;
  2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>(1)</sup> OJ C 184 E, 8.7.2010, p. 441.

<sup>(2)</sup> OJ C 218, 11.9.2009, p. 15.

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## **P7\_TC2-COD(2008)0098**

**Position of the European Parliament adopted at second reading on 18 January 2011 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC**

*(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) No 305/2011.)*

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Wednesday 19 January 2011

## **Patients' rights in cross-border healthcare \*\*\*II**

P7\_TA(2011)0007

**European Parliament legislative resolution of 19 January 2011 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 application of patients' rights in cross-border healthcare (11038/2/2010 – C7-0266/2010 – 2008/0142(COD))**

(2012/C 136 E/24)

(Ordinary legislative procedure: second reading)

*The European Parliament,*

- having regard to the Council position at first reading (11038/2/2010 – C7-0266/2010),
  - having regard to the Commission proposal to Parliament and the Council (COM(2008)0414),
  - having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0257/2008),
  - 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 of the Treaty on the Functioning of the European Union,
  - having regard to its position at first reading <sup>(1)</sup>,
  - having regard to the opinion of the European Economic and Social Committee of 4 December 2008 <sup>(2)</sup>,
  - having regard to the opinion of the Committee of the Region of 12 February 2009 <sup>(3)</sup>,
  - having regard to the undertaking given by the Council representative by letter of 21 December 2010 to approve Parliament's position at second reading, in accordance with Article 294(8)(a) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 66 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Food Safety (A7-0307/2010),
1. Adopts its position at second reading hereinafter set out;
  2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>(1)</sup> OJ C 184 E, 8.7.2010, p. 368.

<sup>(2)</sup> OJ C 175, 28.7.2009, p. 116.

<sup>(3)</sup> OJ C 120, 28.5.2009, p. 65.

Wednesday 19 January 2011

**P7\_TC2-COD(2008)0142**

**Position of the European Parliament adopted at second reading on 19 January 2011 with a view to the adoption of Directive 2011/.../EU of the European Parliament and of the Council on the application of patients' rights in cross-border healthcare**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2011/24/EU).*

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**EU-Cameroon forest law agreement \*\*\***

P7\_TA(2011)0009

**European Parliament legislative resolution of 19 January 2011 on the draft Council decision on the conclusion of a Voluntary Partnership Agreement between the European Union and the Republic of Cameroon on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) (12796/2010 – C7-0339/2010 – 2010/0217(NLE))**

(2012/C 136 E/25)

(Consent)

*The European Parliament,*

- having regard to the draft Council decision (12796/2010),
  - having regard to the draft Voluntary Partnership Agreement between the European Union and the Republic of Cameroon on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) (13187/2010),
  - having regard to the request for consent submitted by the Council in accordance with the first subparagraph of Article 207(3) and the first subparagraph of Article 207(4), Article 218(6), second subparagraph, point (a), point (v) and Article 218(7) of the Treaty on the Functioning of the European Union (C7-0339/2010),
  - having regard to Rules 81 and 90(8) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on International Trade and the opinion of the Committee on Development (A7-0371/2010),
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 the Republic of Cameroon.
-

Wednesday 19 January 2011

### **EU-Republic of Congo forest law agreement \*\*\***

P7\_TA(2011)0010

**European Parliament legislative resolution of 19 January 2011 on the draft Council decision on the conclusion of a Voluntary Partnership Agreement between the European Union and the Republic of the Congo on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) (10028/2010 – C7-0170/2010 – 2010/0062(NLE))**

(2012/C 136 E/26)

(Consent)

*The European Parliament,*

- having regard to the draft Council decision (10028/2010),
  - having regard to the draft Voluntary Partnership Agreement between the European Union and the Republic of the Congo on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) (07636/2010),
  - having regard to the request for consent submitted by the Council in accordance with the first subparagraph of Article 207(3) and the first subparagraph of Article 207(4), Article 218(6), second subparagraph, point (a), point (v) and Article 218(7) of the Treaty on the Functioning of the European Union (C7-0170/2010),
  - having regard to Rules 81 and 90(8) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on International Trade and the opinion of the Committee on Development (A7-0370/2010),
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 the Republic of the Congo.

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### **Interim Partnership Agreement between the EC and Pacific States \*\*\***

P7\_TA(2011)0012

**European Parliament legislative resolution of 19 January 2011 on the draft Council decision on the conclusion of the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part (05078/2010 – C7-0036/2010 – 2008/0250(NLE))**

(2012/C 136 E/27)

(Consent)

*The European Parliament,*

- having regard to the draft Council decision (05078/2010),
- having regard to the draft Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part (05558/2/2009),



Wednesday 19 January 2011

- having regard to the request for consent submitted by the Council in accordance with Articles 207(4) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0036/2010),
  - having regard to Rules 81 and 90(8) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on International Trade and the opinion of the Committee on Fisheries (A7-0365/2010),
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 the Pacific States.

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### **EC-Serbia Stabilisation and Association Agreement \*\*\***

P7\_TA(2011)0015

**European Parliament legislative resolution of 19 January 2011 on the draft Council and Commission decision on the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part (15619/1/2007 – C7-0341/2010 – 2007/0255(NLE))**

(2012/C 136 E/28)

(Consent)

*The European Parliament,*

- having regard to the draft Council and Commission decision (15619/1/2007),
  - having regard to the draft Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part (16005/2007),
  - having regard to the request for consent submitted by the Council in accordance with Article 217 and Article 218(6), second subparagraph, point (a) and (8), of the Treaty on the Functioning of the European Union and with Article 101, second paragraph, of the Treaty establishing the European Atomic Energy Community (C7-0341/2010),
  - having regard to Rules 81 and 90(8) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Foreign Affairs (A7-0362/2010),
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 the Republic of Serbia.
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<u>Notice No</u>	Contents (continued)	Page
2012/C 136 E/17	Brazil: extradition of Cesare Battisti European Parliament resolution of 20 January 2011 on Brazil: extradition of Cesare Battisti .....	94

2012/C 136 E/18	Iran, in particular the case of Nasrin Sotoudeh European Parliament resolution of 20 January 2011 on Iran – the case of Nasrin Sotoudeh .....	95
-----------------	--	----

## RECOMMENDATIONS

### European Parliament

2012/C 136 E/19	EU-Libya Framework Agreement European Parliament recommendation of 20 January 2011 to the Council on the negotiations on the EU-Libya Framework Agreement (2010/2268(INI)) .....	99
-----------------	---	----

## III *Preparatory acts*

### EUROPEAN PARLIAMENT

#### Tuesday 18 January 2011

2012/C 136 E/20	Mergers of public limited liability companies ***I European Parliament legislative resolution of 18 January 2011 on the amended proposal for a directive of the European Parliament and of the Council concerning mergers of public limited liability companies (COM(2010)0391 – C7-0209/2010 – 2008/0009(COD)) .....	104
-----------------	--	-----

#### P7\_TC1-COD(2008)0009

Position of the European Parliament adopted at first reading on 18 January 2011 with a view to the adoption of Directive 2011/.../EU of the European Parliament and of the Council concerning mergers of public limited liability companies (codification) .....	105
--	-----

2012/C 136 E/21	Protocol to the Euro-Mediterranean Agreement between the EC and Jordan, to take account of the accession of Bulgaria and Romania to the EU *** European Parliament legislative resolution of 18 January 2011 on the draft Council decision on the conclusion of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union (06903/2010 – C7-0384/2010 – 2007/0231(NLE)) .....	105
-----------------	--	-----

2012/C 136 E/22	EC–West African Economic and Monetary Union air services agreement *** European Parliament legislative resolution of 18 January 2011 on the draft Council decision on the conclusion of the Agreement between the European Community and the West African Economic and Monetary Union on certain aspects of air services (06646/2010 – C7-0103/2010 – 2008/0145(NLE)) .....	106
-----------------	--	-----



Notice No	Contents (continued)	Page
2012/C 136 E/23	Harmonised conditions for the marketing of constructions products ***II European Parliament legislative resolution of 18 January 2011 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (10753/3/2010 – C7-0267/2010 – 2008/0098(COD)) .....	106
	P7_TC2-COD(2008)0098 Position of the European Parliament adopted at second reading on 18 January 2011 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC .....	107
	<b>Wednesday 19 January 2011</b>	
2012/C 136 E/24	Patients' rights in cross-border healthcare ***II European Parliament legislative resolution of 19 January 2011 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 application of patients' rights in cross-border healthcare (11038/2/2010 – C7-0266/2010 – 2008/0142(COD)) .....	108
	P7_TC2-COD(2008)0142 Position of the European Parliament adopted at second reading on 19 January 2011 with a view to the adoption of Directive 2011/.../EU of the European Parliament and of the Council on the application of patients' rights in cross-border healthcare .....	109
2012/C 136 E/25	EU-Cameroon forest law agreement *** European Parliament legislative resolution of 19 January 2011 on the draft Council decision on the conclusion of a Voluntary Partnership Agreement between the European Union and the Republic of Cameroon on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) (12796/2010 – C7-0339/2010 – 2010/0217(NLE)) .....	109
2012/C 136 E/26	EU-Republic of Congo forest law agreement *** European Parliament legislative resolution of 19 January 2011 on the draft Council decision on the conclusion of a Voluntary Partnership Agreement between the European Union and the Republic of the Congo on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) (10028/2010 – C7-0170/2010 – 2010/0062(NLE)) .....	110
2012/C 136 E/27	Interim Partnership Agreement between the EC and Pacific States *** European Parliament legislative resolution of 19 January 2011 on the draft Council decision on the conclusion of the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part (05078/2010 – C7-0036/2010 – 2008/0250(NLE)) .....	110
2012/C 136 E/28	EC-Serbia Stabilisation and Association Agreement *** European Parliament legislative resolution of 19 January 2011 on the draft Council and Commission decision on the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part (15619/1/2007 – C7-0341/2010 – 2007/0255(NLE)) .....	111

*Key to symbols used*

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

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

Political amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol ***||***.

Technical corrections and adaptations by the services: new or replacement text is highlighted in italics and deletions are indicated by the symbol *||*.

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