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Tuesday 15 February 2011

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

The implementation of the Services Directive 2006/123/EC

P7_TA(2011)0051

European Parliament resolution of 15 February 2011 on implementation of the Services Directive 2006/123/EC (2010/2053(INI))

(2012/C 188 E/01)

The European Parliament,

- having regard to Article 3 of the Treaty on the European Union,
- having regard to Articles 9, 49 and 56 of the Treaty on the Functioning of the European Union,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market ⁽¹⁾,
- having regard to the Commission's information note of 18 May 2010 for the meeting of the Competitiveness Council, on the state of implementation of the Services Directive,
- having regard to the Commission Communication 'Towards a Single Market Act' (COM(2010)0608),
- having regard to the report to the President of the Commission entitled 'A new strategy for the single market',
- having regard to its resolution of 20 May 2010 on delivering a single market for consumers and citizens ⁽²⁾,
- having regard to Rule 48 and Rule 119(2) of its Rules of Procedure,
- having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on Economic and Monetary Affairs, the Committee on Employment and Social Affairs and the Committee on Regional Development (A7-0012/2011),

⁽¹⁾ OJ L 376, 27.12.2006, p. 36.

⁽²⁾ Texts adopted, P7_TA(2010)0186.

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- A. whereas the Services Directive aims to complete the internal market for services while safeguarding a high level of quality and social cohesion,
- B. whereas the Services Directive is an instrument for the growth of the European Union and whereas its implementation should come within the framework of the Europe 2020 strategy and the Single Market Act,
- C. whereas freedom to provide services is enshrined in the Treaties,
- D. whereas transposition of the Services Directive is a major challenge for the Member States, public administrations and local authorities in view of its provisions on the right of establishment and freedom to provide services, and of the establishment of 'points of single contact' to provide assistance to service providers, in particular SMEs,
- E. whereas the Directive's impact on the economy, businesses and citizens cannot be evaluated until it has been fully and properly transposed in all of the EU Member States,
- F. whereas the quality of implementation of the Directive by the Member States is just as vital as compliance with the deadlines for implementing it,
- G. whereas the Services Directive makes it significantly easier for self-employed persons and small and medium-sized companies in particular to pursue their activities, develop new areas of business and also recruit new staff in other Member States,
- H. whereas activities covered by the Services Directive account for 40 % of EU GDP and jobs and are therefore a crucial sector for economic growth and in the fight against unemployment; whereas the objective of the Services Directive is to unlock the enormous economic and job-creation potential of the European internal market in services, estimated at 0,6-1,5 % of EU GDP; whereas, further, the Services Directive aims to achieve objectives listed in Article 3 TFEU,
- I. whereas a more dynamic and labour-intensive service sector could help sustain growth,
 - 1. Draws attention to the unprecedented public and political debate on the Services Directive and the key role of the European Parliament in that negotiation; therefore considers that Parliament should provide effective monitoring of the process of implementation of the Directive by the Member States; asks the Commission to regularly inform Parliament of the state of transposition;
 - 2. Emphasises that the Services Directive is an essential step towards a true single market for services, which should enable enterprises, and SMEs in particular, to provide citizens with better services at a competitive price throughout the internal market; considers, however, that after full transposition it is crucial that a comprehensive assessment should be carried out of the impact of the Services Directive;
 - 3. Welcomes the fact that implementation of the Services Directive is creating unprecedented momentum for modernisation throughout the Member States in the form of new methods of working and evaluation; underlines the key role of the social partners and professional organisations in the transposition process; asks the Commission to fully involve the latter in the mutual evaluation phase;
 - 4. Notes that most of the Member States have favoured transposition through 'horizontal' legislation; observes, however, that the method of transposition depends on the specific nature of the internal organisation of Member States; calls, accordingly, on the Member States concerned to ensure greater transparency, particularly by improving the involvement of the national parliaments in the production of correlation tables;
 - 5. Recalls that the implementation of the Services Directive must not be viewed by most Member States simply as a matter of processing, whereby rules and special provisions will be abolished mechanically and horizontally, but rather as an opportunity to update and simplify legislation and substantively to restructure the services economy, taking into account the objectives of safeguarding the public interest, as also set out in the Directive itself;

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6. Considers that for service providers to properly enjoy the benefits of the Services Directive, its full and timely implementation, both legal and operational, should be ensured in all Member States;
7. Invites the Commission to closely monitor the application of the Directive in all Member States and to issue regular implementation reports; considers that these reports should take into account the real medium- and long-term effects of the Directive on employment in the EU;
8. Hopes that the Services Directive will genuinely have a positive impact by creating decent, sustainable, quality jobs and improving the quality and safety of services provided;
9. Acknowledges the potential of the Services Directive for the further integration of the EU economy and the re-launch of the single market, by fostering economic prosperity and competitiveness and contributing to employment and job creation, as services account for a significant share of GDP and employment in the EU; takes the view that the correct and speedy implementation of the Directive in all Member States is an important condition for the attainment of the objectives of cohesion and regional policy and that it can enhance the mutually reinforcing relationship between the internal market and cohesion policy and contribute to achieving the objectives of the EU 2020 strategy, while serving to eliminate existing single market fatigue in the services sector;
10. Hopes that the aims of the Directive may start to be achieved in the near future and that the whole of the EU and its regions may benefit, thus contributing to real economic, social and territorial cohesion;
11. Calls on the Commission to monitor effectively, and assess from the outset, the impact of the Directive on the regions, and to ensure effective coordination of all policies connected with the implementation of the Directive; calls on the Commission to support an information campaign for local and regional authorities concerning the implementation of the Directive, so as to facilitate the achievement of its objectives;
12. Expects that the Directive may in fact bring about a reduction in administrative burdens and cases of legal uncertainty, especially those affecting SMEs, which predominate in the field of services; considers that the reduction of administrative burdens will also facilitate the development of additional services in rural, remote and outermost areas;
13. Advocates the implementation of national strategies to support innovative SMEs, which are most affected by the consequences of the economic and financial crisis;

Evaluation process

14. Considers that the process of screening national legislation governing freedom of establishment and freedom to provide services is a pillar of the Directive; notes that the process must allow for the modernisation of authorisation schemes and requirements on freedom of establishment and freedom to provide services, in order to facilitate the cross-border provision of services;
15. Believes that mutual evaluation significantly contributes to the quality and effectiveness of internal market regulation, since the systematic evaluation and associated monitoring of transposition prompt national authorities to address the issue of EU requirements and their domestic transposition;
16. Calls on the Commission and the Member States to work together in order to further promote the development of the internal market for services on the basis of the mutual evaluation process that is provided for in the Services Directive and that is currently being transposed by the Member States;
17. Points out that the Member States can maintain their authorisation schemes and certain requirements only in cases where these are clearly necessary, proportionate and non-discriminatory; emphasises that in this connection the Member States have maintained a number of authorisation schemes by making them more accessible and more transparent to service providers; regrets that some Member States have not been more ambitious and have not fully used the potential of the Services Directive in terms of administrative and regulatory simplification;

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18. Underlines the difficulties encountered with recognising professional qualifications, in particular in the medical sector; points out that the Services Directive cannot apply to provisions already covered by the sectoral directives; asks the Commission to clarify this situation as part of a review of the Directive on professional qualifications;
19. Draws attention to the specific nature of the provisions on the right of establishment and those on the temporary provision of services in another Member State; asks the Commission to take full account of that specific nature in its evaluation;
20. Calls on the Commission and the Member States to put an end to unjustified discrimination against consumers on the grounds of nationality or residence by ensuring the effective implementation of Article 20(2) of the Services Directive, as well as the proper enforcement by national authorities and courts of the national provisions implementing this non-discrimination rule in the legal systems of Member States; recalls that Article 20(2) is not intended to prevent differences in treatment in general conditions based on objective considerations, such as distance involved or the higher costs caused by the provision of the service to recipients in other Member States;
21. Emphasises that the screening process undertaken within the context of the Directive involves a substantial amount of work for the national administrations and the workload must be taken into account when evaluating transposition;
22. Notes the Member States' efforts to implement the mutual evaluation process; considers that the evaluation process is an important tool in determining how implementation of the Directive is progressing in Member States; considers that the state of progress with the process does not yet allow its effectiveness to be evaluated; stresses that the process in question must examine whether the rules in force in Member States correspond to the specifications of the internal market and do not create new obstacles; wishes the Commission to carry out a thorough investigation of the potential of this new method in the context of the Single Market Act;
23. Regrets the fact that the European Parliament and national parliaments are not more involved in the mutual evaluation process;
24. Calls on the Commission, with reference to the cross-border provision of services, to identify problem occupations and sectors and to conduct a detailed assessment of the applicable legislation and the causes of the problems;

Points of single contact (PSCs)

25. Considers that setting up the PSCs is an essential part of effective implementation of the Directive; recognises that the Directive requires a substantial effort by the Member States in financial, technical and organisational terms; draws attention to the need to involve social partners and business associations in this;
26. Calls on the Member States to develop the PSCs into comprehensive eGovernment portals for service providers wanting to set up a business or provide cross-border services; calls on the Member States to continue improving the accessibility of PSCs, including by allowing procedures and formalities to be completed through PSCs remotely, by electronic means, as well as the quality and relevance of the information and procedures available to its users, in particular SMEs, including information and the completion of procedures under labour and tax law in force in the Member State that is of relevance to service providers, such as procedures related to VAT and social security registration; calls on the Commission and the Member States to ensure that all information given by PSCs is also available in languages other than national, taking into consideration especially the languages of neighbouring countries;
27. Calls on the Member States to enhance the availability of electronic procedures, including a translation of all relevant forms; calls on the Member States to offer tracking facilities for PSCs' users enabling them to check the progress of ongoing procedures;
28. Recognises the problems encountered with the functioning of the PSCs related to proof of identity, use of e-signatures and submission of original documents or certified copies, especially in the cross-border context; asks the Commission to propose measures to resolve these issues in order to enable SMEs to benefit from the single market and avoid any legal and technical uncertainties;

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29. Stresses that it is particularly important with a view to user-friendliness to clarify which requirements apply to the permanent establishment of a business as opposed to the temporary cross-border provision of services;

30. Regrets that the advice offered by PSCs does not yet reach prospective service providers and that information on how to contact PSCs is not widely known; calls on the Commission to earmark appropriate funds in its draft budget for 2012 to launch a major Europe-wide PSC promotion campaign to raise awareness of what PSCs can offer service providers; calls on the Commission and the Member States, in cooperation with all stakeholders, to launch well-targeted promotion, information and training campaigns as soon as possible; invites the Commission and the Member States to improve the visibility and recognisability of the eu-go domain and to feature case studies of businesses using the PSCs and the benefits they have derived;

31. Believes that a dialogue and an exchange of best practices between Member States are very important if the PSCs are to improve and develop; stresses the need for urgent action in those countries in which PSCs either do not yet exist or are not operating properly; urges most Member States to redouble their efforts to allow the completion of all procedures and formalities through the PSCs;

32. Calls on the Member States to ensure that national PSC websites make available the new information obligations which are required of service providers for the benefit of consumers;

33. Calls on the Member States to provide the Commission on a regular basis with the comparable statistical data required to evaluate the functioning of the PSCs and their impact at national and European level, in particular as regards the provision of cross-border services; calls on the Commission to lay down clear criteria for the evaluation of the PSCs; considers that these criteria should be based on both quantitative and qualitative indicators;

34. Notes that some Member States need to address a number of legal and technical issues in order to allow for the cross-border use of PSCs; calls on those Member States to take the necessary measures with particular attention to the recognition of electronic signatures; calls on the Commission to pursue ongoing efforts to enhance interoperability and mutual recognition of electronic procedures and take the required supportive measures to facilitate the cross-border use of the PSCs; recommends that the Commission should make a direct electronic link to the Member States' PSCs available to service providers in all the EU official languages;

35. Calls on the Member States and the Commission to increase efforts to ensure full electronic interoperability of the PSCs; stresses the link with proposal 22 of the Single Market Act on e-signatures, e-authentication and e-identification;

36. Recalls that Member States have an obligation to carry out a risk assessment to ensure that businesses do not encounter excessive burdens when wishing to complete their procedures electronically; invites the Commission to assess the possibilities for businesses to use their own national means of electronic ID/authentication if they make use of the PSCs in other Member States;

37. Considers that, in the light of the complexity of the legislation, each citizen must be able to consult the relevant authorities in order to obtain a precise reply to his/her questions; considers that the concept of advance administrative rulings should therefore be developed in the area of labour law and in the area of social security in order to combat legal uncertainty; considers, furthermore, that, in order to ensure transparency, the decisions taken should be published;

Administrative cooperation

38. Draws attention to the importance of the provisions on administrative cooperation and mutual assistance; considers that implementing those provisions is a condition for ensuring there is effective monitoring of service providers and a high level of quality and safety for services in the European Union;

39. Welcomes the growing number of enrolments by the competent national authorities for monitoring of services through the internal market information system (IMI), thus permitting the direct, rapid and effective exchange of information; considers that the IMI can be used for other relevant directives;

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40. Believes that the Internal Market Information System and the points of single contact – because they demand a great effort of administrative cooperation between all the authorities involved – may pave the way for further interoperability and networking at national, regional and local level across the EU; considers that the establishment of rules and procedures regarding the operation thereof must allow for a degree of flexibility in accordance with regional diversity at EU level and that, for this purpose, any measures should be adopted in partnership and after genuine debate at local and regional level;

41. Considers it useful to establish cooperation within a European network formed by the Member States' public authorities and to set up an interchange of information on the reliability of service providers, with a view to eliminating additional controls applied to cross-border activities;

42. Underlines the need to develop training schemes for the officials of national and regional administrations responsible for monitoring services; recognises the efforts Member States have already made to that effect and calls on Member States to further consolidate the national IMI networks by continuously monitoring their practical working and ensuring adequate training; recalls that the sustainable success of IMI depends on adequate investment at Community level; therefore calls on the Commission to set up a multiannual programme for that purpose and to bring to bear all the resources required for its smooth operation;

43. Takes the view that administrative procedures must become more efficient; considers that it would be useful in this connection to establish close cooperation between the points of single contact so that they can exchange experiences in the field of cross-border services in the various regions of Europe;

Scope

44. Recalls that the Directive excludes a number of fields from its scope, including non-economic services of general interest, healthcare services and most social services; notes that the Directive does not apply to labour law and does not affect Member States' social security legislation either;

45. Notes the discussions in some Member States on the services excluded from the scope of the Directive; notes that the majority of Member States did not encounter significant problems during the implementation of the Services Directive with regard to its scope; points out that such services were excluded because of their specific nature and that, in some cases, they may require a sectoral Community legislative framework; notes that the Commission communication entitled 'Towards a Single Market Act' includes a commitment to bring forward, in 2011, a set of measures relating to services of general interest;

46. Calls for proper and thorough monitoring of the application of the restrictions provided for in the Directive in respect of services of general economic interest, while respecting the division of competences with the Member States; points out that the Directive does not affect the freedom of Member States to define, in accordance with EU law, what they consider to be services of general economic interest, how those services should be organised and financed in compliance with the rules on state aid, and to what specific obligations they should be subject;

47. Calls for greater account to be taken of the basic principle of local self-government when implementing the Directive, and for bureaucratic administrative burdens and restrictions on local-level decision-making powers with regard to services of general economic interest to be avoided insofar as possible;

48. Considers that the additional measures needed to complete the internal market in services must be fully included in the discussion under way on the Single Market Act;

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

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Practical aspects regarding the revision of EU instruments to support SME finance in the next programming period

P7_TA(2011)0057

European Parliament resolution of 16 February 2011 on practical aspects regarding the revision of EU instruments to support SME finance in the next programming period

(2012/C 188 E/02)

The European Parliament,

— having regard to Rule 110(2) of its Rules of Procedure,

- A. whereas the 23 million small and medium-sized enterprises (SMEs) in the EU, which account for around 99 % of all businesses and provide over 100 million jobs, make a fundamental contribution to economic growth, social cohesion and job creation, are a major source of innovation and play a vital role in sustaining and increasing employment,
- B. whereas SMEs' limited ability to access finance is a major impediment to their creation and growth, and whereas the current financial and economic crisis has exacerbated this problem,
- C. whereas European financial markets in many areas are currently unable to provide SMEs with sufficient finance for varying reasons, even if traditional forms of SME lending have remained quite stable throughout the current crisis; whereas efforts are needed to rule out any lessening in future of the willingness of banks to finance SMEs, as a result of the ongoing reforms of international banking regulations and their implementation in Europe,
- D. whereas the European SME sector is very heterogeneous and comprises a huge number of micro-enterprises, family businesses that are working successfully in traditional sectors, and a growing number of new start-ups and fast-growing high-tech and highly innovative enterprises; whereas all these different business models have different problems and, therefore, different needs as regards access to finance; whereas SMEs with a high leverage ratio (high degree of debt financing) are much more vulnerable in the event of a crisis or if their riskier projects run into difficulties,
- E. whereas an increasingly capital- and risk-sensitive banking sector is imposing stricter conditions on loan financing, including higher collateral requirements and risk premiums, and whereas banks are increasingly reluctant to finance riskier business projects, involving start-ups, innovative products and even business transfers, by granting traditional loans,
- F. whereas highly innovative and fast-growing companies are crucial to the future competitiveness of Europe's economy and to job creation, especially in those markets driving the transition to a resource-efficient economy,
- G. whereas statistics indicate that European SMEs remain less likely to consider the option of equity financing than, for example, their US counterparts,
- H. whereas many financial intermediaries at European and national level are deterred by the administrative burdens created by complex European financial regulations and by the policy and operational guidelines for European financing programmes,
- I. whereas the European institutions will now have to evaluate and review the current instruments to support SME finance, looking ahead to the next programming period in the context of the next multiannual financing framework,

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Strengthen functioning SME finance schemes

1. Notes that a large number of SMEs will continue to depend mainly on credits and loans when it comes to external financing; is concerned that an increasingly capital- and risk- sensitive banking sector is asking for more collateral and higher risk premiums, both requirements resulting in insufficient financing and missed business and employment opportunities in this very large sector of the economy; regards, therefore, the availability of credit and loan guarantee schemes as crucial to exploiting the growth and job potential offered by SMEs; sees a need to leverage existing programmes at national and EU level and endorses the important role played by EIB SME loans;

2. Points out that the establishment of higher equity capital requirements for banks, as proposed by the Basel Committee, should take into account the interests of SMEs;

3. Welcomes the creation of a new EU microfinance facility for employment (Progress Microfinance Facility), which increases the opportunities for those wishing to start up businesses around the EU; notes that there is a potential market gap in terms of supply and demand for microcredit in the EU; recognises the need for funding of microcredit providers, as financial support would help this activity to become sustainable and would enable the facility to respond to the growing demand from microborrowers; stresses that the Union must encourage small-scale investment, give microenterprises the chance to grow and, in particular, support those groups – for example, young entrepreneurs – that are having difficulties finding borrowing opportunities for their business ideas;

4. Strongly supports the continued implementation of guarantee instruments in the framework of the Competitiveness and Innovation Programme (CIP), the Risk-Sharing and Financing Facility under FP7 and the Structural Funds (JEREMIE), with the aim of enhancing SME lending, and under the JASMINE initiative to support micro-finance institutions; points out that their proper implementation is currently being hindered by overly complex administrative procedures; asks the Commission to make it easier to use the Structural Funds in connection with SME finance instruments, particularly to finance revolving funds for guarantee schemes, whilst avoiding the creation of structures which duplicate existing schemes, e.g. at national level;

5. Takes the view that funding for the CIP in particular is insufficient and that the programme should be assessed in terms of its coverage; calls on the Commission and the Member States to make provision for more effective funding of innovative financial instruments under the next multiannual financial framework;

6. Calls for a significant increase in funding for innovative financial instruments under the EU budget to cater for the financing needs of SMEs, and, in the light of the Europe 2020 Strategy and cross-sectoral flagship initiatives, encourages the implementation of joint instruments with the EIB Group, in particular through risk-sharing schemes; calls for future programmes to be endowed with the flexibility needed to avoid recourse to inappropriate one-size-fits-all solutions;

Address market failures

7. Stresses the need for start-ups and innovative enterprises to have better access to equity- and quasi-equity-based financial instruments, which are not yet provided to a sufficient degree by the market; asks the Commission to ensure that the next generation of programmes place a stronger emphasis on mezzanine financial instruments and to support them with risk-sharing funds and facilities;

8. Notes that highly innovative and fast-growing companies need access to larger European venture capital and bond markets, urges the Commission to take the initiative in removing the barriers to the development of European venture capital and bond markets, to expand risk-sharing facilities for investments in equity, to support issues of pooled corporate bonds and to encourage the Member States to support the activities of business angels by providing tax incentives to investors;

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9. Notes that the current structure of SME finance in many European countries on both the demand and the supply side is strongly influenced by taxation and support systems, which provide strong incentives for debt financing and disincentives for equity financing; calls on the Commission to take initiatives to increase awareness of the problems created by the wrong incentives which the regulatory framework provides and to encourage Member States to carry out the necessary reforms;

Remove administrative barriers

10. Is concerned at the complexity of EU financial regulations and guidelines for European financial instruments, in particular when European funds and programmes are used to support individual enterprises through the provision of relatively small amounts of funding; considers that the expense in terms of time and money involved in complying with these regulations is out of all proportion to the benefits for the final recipient of the funding; calls for streamlined management, administrative and reporting efficiency and cost-effectiveness in connection with innovative financial instruments; insists that banks, intermediaries and beneficiaries must not be discouraged or deterred from using programmes and funds by the administrative burdens involved; asks the Commission to propose simplified and less costly regulations and guidelines, especially for programmes intended to support low-volume SME finance in the form of guarantees and mezzanine or equity instruments;

11. Welcomes the establishment in 2010 of the SMEs Finance Forum and urges the Commission to further improve cooperation with national development banks and commercial banks in order to pool experience, exchange best practices, develop synergies and identify ways in which EU SME financing programmes can be simplified and streamlined;

12. Points out that at present SME financial support measures form part of many different EU programmes, such as the CIP, the Structural Funds (JEREMIE), FP7 and others, and notes a lack of coherence between these programmes; calls on the Commission to establish greater coherence between the various programmes providing guarantees and a good balance between national and EU schemes supporting the financing of innovation or the provision of venture capital to SMEs; urges the Commission to create a one-stop shop for the various EU financing instruments aimed at SMEs;

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

Adequate, sustainable and safe European pension systems

P7_TA(2011)0058

European Parliament resolution of 16 February 2011 on 'Towards adequate, sustainable and safe European pension systems' (2010/2239(INI))

(2012/C 188 E/03)

The European Parliament,

- having regard to the horizontal social clause in Article 9 of the Treaty on the Functioning of the European Union,
- having regard to the Commission Communication of 7 July 2010, 'Green Paper, towards adequate, sustainable and safe European pension systems' (COM(2010)0365),

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- having regard to its resolution of 11 November 2010 on the demographic challenge and solidarity between generations ⁽¹⁾,
 - having regard to the report of the European Economic and Social Committee on the Commission Communication of 7 July 2010, 'Green Paper, towards adequate, sustainable and safe European pension systems' ⁽²⁾,
 - having regard to the Commission proposal for a Council decision on guidelines for the employment policies of the Member States: Part II of the Europe 2020 Integrated Guidelines (COM(2010)0193) and to its position of 8 September 2010 thereon ⁽³⁾,
 - having regard to the Commission Communication of 29 April 2009 on 'Dealing with the impact of an ageing population in the EU (2009 Ageing Report)' (COM(2009)0180) and to its resolution of 7 September 2010 ⁽⁴⁾,
 - having regard to its resolution of 6 May 2009 on the active inclusion of people excluded from the labour market ⁽⁵⁾,
 - having regard to its resolution of 6 May 2009 on the renewed social agenda ⁽⁶⁾,
 - having regard to its resolution of 20 November 2008 on the future of social security systems and pensions: their financing and the trend towards individualisation ⁽⁷⁾,
 - having regard to its resolution of 9 October 2008 on promoting social inclusion and combating poverty, including child poverty, in the EU ⁽⁸⁾,
 - having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0507) and to its position of 20 June 2007 ⁽⁹⁾,
 - having regard to the 2001 Stockholm European Council strategy consisting of reforming pension systems in Europe,
 - having regard to the 2001 Laeken European Council decision on common objectives for pensions, emphasising the need to make them adequate, sustainable and adaptable,
 - having regard to the Charter of Fundamental Rights and particularly Article 23 thereof,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinions of the Committee on Economic and Monetary Affairs, the Committee on the Internal Market and Consumer Protection and the Committee on Women's Rights and Gender Equality (A7-0025/2011),
- A. whereas people are nowadays entering the labour force at a later age due to unemployment rates that particularly affect poorly qualified young people, or due to longer and, for some, higher education, and on average people leave the labour market earlier than the legal pension age, their working lives are punctuated by periods away from work, and they live longer,

⁽¹⁾ Texts Adopted, P7_TA(2010)0400.

⁽²⁾ EESC/SOC/386, 20 January 2011.

⁽³⁾ Texts Adopted, P7_TA(2010)0309.

⁽⁴⁾ Texts Adopted, P7_TA(2010)0306.

⁽⁵⁾ OJ C 212 E, 5.8.2010, p. 23.

⁽⁶⁾ OJ C 212 E, 5.8.2010, p. 11.

⁽⁷⁾ OJ C 16 E, 22.1.2010, p. 35.

⁽⁸⁾ OJ C 9 E, 15.1.2010, p. 11.

⁽⁹⁾ OJ C 146 E, 12.6.2008, p. 216.

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- B. whereas the financial and economic crisis has greatly added to the underlying demographic challenge facing the EU,
- C. whereas current data show that the number of people entering the labour market is declining (the EU population of working age will start to shrink from 2012) and the number of pensioners is rising (in 2008 there were four EU citizens of working age for every one aged 65 or over: by 2020 this figure will be five to one, and by 2060 two to one); whereas this trend varies depending on demographic differences between Member States,
- D. whereas the provision of adequate, sustainable and safe pensions is inextricably linked with higher levels of employment, greater productivity and economic growth,
- E. whereas the economic governance of the European Union should take into account the holistic approach as presented in the Green Paper,
- F. whereas the financial crisis has led to a growth in unemployment, poverty and social exclusion, rising budget deficits in many Member States and problems in the financing of pensions (whether tax or otherwise funded), and has demonstrated the fragility of certain pension fund systems,
- G. whereas the goal of a 75 % employment rate laid down in the EU 2020 Strategy should help secure the sustainability of pension systems,
- H. whereas the increasing prevalence of interim or precarious jobs is reducing contributions to pension systems and damaging the stability of those systems and the adequacy of future pensions,
- I. whereas risk mitigation and shock absorption need to be taken into account in the design of pension funds,
- J. whereas people who devote their time and skills to bringing up children or caring for the elderly should receive social recognition and whereas this could be done by giving such persons individual rights, particularly regarding pensions,
- K. whereas equality between women and men is a value, an objective and a fundamental right in the Union and EU institutions have the duty to include gender equality in all their actions,
- L. whereas women face direct and indirect discrimination in different pensions-related aspects in the European Union,
- M. whereas the projected impact of pension reforms is usually based on a male, full-time, full career and an average earner profile, and whereas actuarial gender-based life tables have a negative impact on women's pension calculations and provide a lower replacement rate for women,
- N. whereas older women are in a particularly precarious position when their right to a pension income is derived from their marital status (spousal or survivor benefits) and when they do not have adequate pension rights of their own due to career breaks,

General

EU level and Member States

1. Welcomes the holistic approach adopted by the Green Paper, which intends to impart fresh impetus at national and EU level with the objective of establishing robust, long-term adequate, sustainable and safe pension systems, safeguarding the subsidiarity principle; points out that traditions, economic and demographic situations and specific labour market features differ from Member State to Member State and that the principles of subsidiarity and solidarity, under which Member States retain full responsibility for the organisational set-up of their pension systems, have to be respected;

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2. Stresses that Member States are all confronted with enormous challenges in ensuring that citizens' expectations for adequate and sustainable pensions are met, in a time when social and economic circumstances in general are difficult and even differ by Member State and legal system;
3. Stresses that SMEs, as one of the main sources of employment and growth in the EU, will continue to make a significant contribution to the sustainability and adequacy of pension systems in Member States; wishes therefore to see the development of sectoral, intersectoral and/or territorial funds to increase affiliation of workers in SMEs to pension systems, which could serve as an example of best practice;
4. Observes that for the completion of the internal market sound economic and social policies, taking account of the challenges of intergenerational solidarity, make an important contribution to sustainable employment policies, growth and stability, notably by preserving social cohesion; points out that social partners have an important role to play in that connection;
5. Considers that long-term investment and savings for the future sustainability of pension systems are of major importance and should be taken into account in the framework of macroeconomic surveillance;
6. Notes that both the Broad Economic Policy Guidelines and the Stability and Growth Pact refer to age-related public expenditure; believes that the accurate inclusion of public direct pension liabilities in public deficit calculations is one of many conditions for sustainability; requests that the reform of economic governance take this dimension into account by ensuring adequate treatment of the various pension-system pillars and focusing on their sustainability;
7. Calls on the Commission and the Council – given that a sustainable and properly functioning pension system is extremely important for citizens and for the stability of public finances – to ensure that the costs of pension reform continue to be taken into account in assessing whether a Member State should be subject to the excessive deficit procedure, and recommends that the focus should be on the sustainability of the funding system as opposed to any specific type of pension reform; notes that systemic pension reforms entail substantial transformation costs, which must be taken into account for the purpose of calculating government debt and budget deficits;
8. Emphasises that the sustainability of public finances requires the inclusion of total public and private debt in the assessment; points out that pension savings constitute something more than merely savings earmarked as pension; requests that the full scale of unfunded direct public-sector pension liabilities be made transparent and explicitly disclosed, with a view to the long-term sustainability of public finances;
9. Stresses that pensions and pension systems are the responsibility of the Member States; recognises that Member States' economies are interdependent, and therefore calls on the EU and the Member States to properly coordinate their different pension policies and by using the Open Method of Coordination to guarantee the adequacy, safety and sustainability of pension systems;
10. Observes that the first-, second- and third-pillar pension schemes in Member States differ significantly from one another, that the EU lacks a set of common criteria, definitions and an in-depth analysis which would thoroughly explain the various pension systems and their capacity to meet the needs of citizens and that there is therefore a lack of transparent supervision applicable to all systems; stresses that the EU should primarily enhance the comparability of pension schemes and promote the exchange of good practices; is of the opinion that the Commission needs to make the necessary efforts to come up with a typology of pension systems in Member States as well as with a common set of definitions in order to make systems comparable;

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Gender

11. Regrets that the Green Paper does not devote enough attention to gender issues; considers that the present adequacy gaps in pensions between men and women are the result of persistent inequalities in the labour market, such as periods of unemployment, sickness, care duties, the pay gap between men and women, the overrepresentation of women in precarious and part-time jobs and barriers to reconciling work and private life; therefore calls on the Commission and Member States to continue their efforts to eradicate these inequalities and ensure long-term equal treatment for women and men with respect to pensions, for example through the inclusion of maternity leave and care for elderly family members as actual work giving rise to an entitlement to retirement benefits for men and women;

12. Stresses the importance of individualising pension entitlements and calls for criteria to be used in calculating women's pensions in such a way as to guarantee the economic independence of both men and women; urges Member States also to consider a life course approach to pensions, so as to provide answers to challenges of a modern working life cycle;

13. Notes that inter-generational justice and the interests of the younger generation must be central aspects of a strengthened coordination method for the further development of national pension policies on the basis of cooperation between the Member States;

14. Urges the Commission and the Member States to obligate occupational and other supplementary pension providers to use gender-neutral mortality tables when calculating pension benefits so as to prevent women from being punished for their higher life expectancy;

Adequacy

15. Does not consider it possible for the EU to set adequate pension levels, because the amount required is very dependent on specific circumstances in the Member States; calls however on the Commission to come up with guidance that makes it possible for Member States to establish criteria for a minimum level of pensions; considers that Member States should define adequacy as the condition required for older people to live a decent life;

16. Considers that Member States are themselves responsible for making adequate pension provisions for their citizens as part of their social and economic policies; encourages them to put in place a system which is the most appropriate for guaranteeing a decent standard of living for everybody, with particular attention to the most vulnerable groups in society;

17. Stresses that, within the range of pension systems, diversification of pension income from a mix of public (first pillar) and work-related (in most cases second pillar) schemes, can provide a guarantee of adequate pension provision;

18. Notes that in most Member States the first pillar is the most important one and based on the solidarity principle and that the financing of the first pillar will be less under pressure if more people are at work and if illegal and undeclared work is addressed, while other alternative forms of financing the first pillar could also be discussed between the Member States in the Open Method of Coordination; stresses that statutory pay-as-you-go schemes have proved their stability and reliability in the test presented by the financial and economic crisis; calls on Member States to ensure that first-pillar pensions are above the poverty line;

19. Stresses that, regarding the sustainability and adequacy of pension systems, in some Member States third pillar savings provisions play a role; stresses, however, that this option is available only to persons who have an adequate income which would enable them to contribute to such systems and therefore can only play a limited role in providing a decent income;

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20. Believes that better sharing of information between Member States on the costs and effectiveness of forms of tax relief on private pensions would be very useful;

21. Considers that, given budgetary pressure, efficiency in social spending is of major importance; considers that, in view of the current budgetary pressure, social spending has played a significant economic and social role in softening the effects of the crisis; considers that pay-as-you-go schemes have demonstrated their fundamental role in creating solidarity between generations; also considers that the second and third pillars have a supplementary role to play in reducing pressure; calls on Member States to ensure the best possible mix of forms of pension provision to safeguard pensions in the future; calls upon Member States to improve citizens' access to private savings schemes; points out that, because of the financial crisis, several Member States are planning to introduce changes to their pension systems; urges them, however, to ensure that all pension systems remain stable, reliable and sustainable, and that all changes are made after adequate social dialogue and on the basis of the provision of sufficient information; advocates that, if choices can be made by employees, enough time should be provided for them to make informed and well thought-out decisions;

22. Stresses that economic growth and high employment rates increase, while high inflation damages, the sustainability and adequacy of pension systems;

23. Considers that tax evasion has become a worrying phenomenon and must be combated as effectively as possible, because it undermines the future adequacy and stability of pension systems;

Retirement age

24. Considers that, in view of demographic trends and the need to ensure that pensions can be paid for, it is necessary for more people to participate in the labour market and to do so for longer, but observes that life expectancy is growing and that better occupational health is a precondition for longer working lives; calls on Member States to make it possible for people who want to carry on working to do so; calls on the Member States which have increased the statutory retirement age or will be doing so to encourage work by older people through fiscal and social security exemptions; also calls on the Member States to create adapted and flexible employment contracts and retirement schemes for older people and to encourage and facilitate combining work with retirement and put in place dissuasive measures so that companies find it harder to make older people redundant; calls on the Commission to set up a study analysing the way wealth distribution is influencing life expectancy in Member States;

25. Notes that there are major disparities in the statutory retirement age and in the actual age at which older people cease to be employed and recommends that priority should be given to ensuring that employees can work until the statutory retirement age; observes that these disparities are especially salient for employees in the most onerous occupational categories; calls on Member States and social partners, therefore, to exchange information about good practices; also calls on them to conclude agreements which have a positive impact on sustainable pensions and lead, in a flexible way, to a prolongation of working life until the statutory retirement age, for example by developing comprehensive age management strategies at national and company level, by developing new forms of work-life balance provisions adapted to the specific needs of older workers and by rewarding people who work longer;

26. Stresses that an older labour force and longer working lives can make a positive contribution to the recovery and future growth; considers that, for (older) employees performing physically and/or mentally demanding work, a dynamic labour market must offer creative solutions such as greater flexibility in the statutory retirement age, part-time pensions, adapted working conditions, encouraging lifelong learning, improving job-seeking services or movement from one job to another, to strike a lasting balance between the requirements of employment and the capacities of workers; considers there to be a need for an active policy to prevent discrimination on grounds of age by monitoring the correct implementation of Directives 2000/78/EC and 2006/54/EC and promoting a European culture of active aging ensuring that older people have a life of vitality and dignity; calls on Member States to combine penalties for labour market discrimination with incentives for employers to create an inclusive labour market; calls on the Member States, in the context of the reforms and the extension of working life and with the assistance of the Commission, to implement more effectively the directives on health and safety at work;

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EU 2020 Strategy

27. Welcomes the reference in the 2020 Strategy to the inclusion of older workers in the labour market; regrets that the 2020 Strategy devotes no explicit attention to decent, sustainable and adequate pension systems, although the attainment of some of the objectives presented in the 2020 Strategy depends on them; suggests, therefore, incorporating the objectives of the Green Paper in the 2020 Strategy;

28. Considers that, if the 2020 Strategy is successful, this will mean that more secure, quality jobs will be created and that more people are in work with appropriate wages and terms of employment, which will entail an increase in payments of compulsory social security contributions, and that economic growth will benefit from this, thus enhancing both the sustainability and adequacy of pension systems;

29. Supports, in accordance with the 2020 Strategy, a targeted and active labour market policy which will lead to increased participation in employment by those currently under-represented in the labour market, particularly the most vulnerable; considers that the EU should develop new indicators to monitor the impact of pension reforms on vulnerable groups; stresses that within the European Union illegal work is still widespread and that this weakens social policy options; calls on the competent bodies in the Member States to promote social inclusion and combat undeclared work in order to improve the balance of pension systems;

IORP Directive

30. Observes that the implementation of the IORP Directive by Member States generally has been delayed; calls on the Commission, if necessary, to take action against Member States in order to ensure correct and timely implementation of the IORP Directive;

31. Agrees that a high degree of security for future pensioners, at a reasonable cost for the sponsoring undertakings and in the context of sustainable pension systems, should be the goal;

32. Notes that Article 15(6) of the IORP Directive states, with regard to the calculation of technical provisions, that 'the Commission shall propose any necessary measures to prevent possible distortions caused by different levels of interest rates and to protect the interest of beneficiaries and members of any scheme'; calls on the Commission to carry out an impact assessment before revising the IORP Directive and to take account of the trend towards more defined-contribution schemes and fewer defined-benefit schemes;

33. Recalls the statements in the IORP Directive that 'a genuine internal market for financial services is crucial for economic growth and job creation in the Community' and that 'this Directive thus represents a first step on the way to an internal market for occupational retirement provision organised on a European scale';

34. Emphasises that the newly established European supervisory authority (European Insurance and Occupational Pensions Authority) must make full use of its competences and play an important role in the preparatory process for a review of the IORP Directive, and in developing legal provisions, such as draft technical standards, guidelines and recommendations for a solvency regime; recalls that the IORP Directive should not apply to any public pension liabilities or work-related pension systems in the first pillar;

35. Considers the qualitative elements of Solvency II to be a valuable starting point for enhancing the supervision of IORPs; notes that this applies in particular to requirements in relation to good risk management;

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Mobility and transfers

36. Stresses that labour-market mobility in the EU will be crucial in the coming years for job creation and economic growth; considers, therefore, that citizens' confidence will be improved when obstacles to internal and cross-border mobility are removed; notes that issues such as lack of transferability, long vesting periods, preservation of dormant rights, non-regression and differences in tax treatment and actuarial principles must be addressed with a view to their consequences on pension systems; stresses the positive impact which a more dynamic labour market could have on the pension system;

37. Notes that, in the first pillar, pension entitlements are governed by the relevant coordinating Regulation, but that, for other pillars, simplified arrangements are needed;

38. Observes that there is a trend towards more defined-contribution schemes and fewer defined-benefit schemes; notes that, as a result, pension providers transfer the risk associated with investment to pension savers; considers that, because of the diversity and complexity of the various capital-based occupational pension systems, conditions need to be laid down concerning the portability of acquired pension entitlements in the sense that portability begins when new contracts are concluded, an application for transfer being approved only if the actuarial sum transferred is to be placed in a fund whose purpose is payment of old-age pensions; asks for an in-depth study on tax issues related to the capital-based occupational pension systems and life insurance capital systems; considers that, with regard to cross-border issues, the clear focus of EU activity should be on developing minimum standards for the acquisition and preservation of pension rights and on facilitating the establishment of national tracing systems for those rights;

39. Welcomes the establishment of national tracing systems for pension rights from different sources in all Member States, and calls upon the Commission to submit proposals for a European tracing system;

Review of EU legislation

40. Notes that in many Member States the importance of occupational pension systems has been recognised, and that the EU can add value by providing coordination between the various schemes and encouraging Member States to ensure that a - in social, legal and economic terms - justifiable framework is in place which adequately protects pension plan members and guarantees access to understandable pension information; stresses that in cases where Member States have mandatory pension funds managed by private institutions, such schemes should also be assessed from the point of view of compliance with European conditions and criteria as regards security, investment and asset classification; underlines as a principle that all proposals on occupational pension systems must be fully impact assessed in particular with a view to quantifying the additional costs and administrative burden;

41. Considers that in those Member States where compulsory occupational pension systems are set up and not mainly included in the first pillar, these second pillar provisions should be available to all workers by right, without any discrimination on grounds of age, sex, sector and/or employment contract;

42. Calls on the Commission to encourage Member States to investigate how employees' right to participate in the second pillar can be facilitated through enhanced social dialogue and to make proposals for promoting such a pillar where it does not yet exist; calls on them also to develop a method of governance to ensure that this fund is managed jointly, particularly with regard to its savings investment strategy;

43. Calls on the Member States to support the development of social and civic dialogue concerning old-age pension provision and to take full account of the results of this dialogue;

44. Considers that the EU rules concerning the third pillar and its smooth cross-border functioning must be examined in the light of the proper functioning of the internal market, particularly for financial products, and that a level playing field should be created; underlines that this re-examination of the rules must take account of the interests of members of these schemes;

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45. Believes that, in order to achieve consistency of prudential regimes among different financial services providers, the 'same risks – same rules – same capital' principle must apply, taking into account the characteristics of each pension product or scheme;

46. Acknowledges that for (third-pillar) individual pension insurance schemes being offered across borders, such as life insurance policies, obstacles remain; requests suggestions from the Commission as to how these might be overcome, as well as a framework for regulating these activities;

47. Observes that, where powers relating to pensions are vested in the European Union, European law is very fragmented; calls on the Commission to investigate whether it would be appropriate to rationalise this regulatory framework as part of better regulation;

European legislation/good practice

48. Points out that a decision has already been taken to establish the European Insurance and Occupational Pensions Authority (EIOPA); stresses the need to equip it so that it can perform effectively the tasks entrusted to it and, in particular, can take appropriate account of the specificities and characteristics of occupational pensions;

49. Observes that pension funds, including IORPs, are still regulated and supervised as stand-alone financial entities, although in practice conglomerates undertake these activities;

Capital requirements

50. Considers that proposals for a solvency regime for IORPs must recognise the specificities of pensions, bearing in mind that risks in the insurance sector are different from those faced by IORPs, in particular as regards the conditionality of pension rights, the duration of pension portfolios and the fact that IORPs are special-purpose vehicles operating a homogenous product portfolio; stresses that the key aim of such a regime would be to provide enhanced protection to current and future pensioners; believes that the impact of such proposals needs to be fully assessed, in particular with a view to quantifying the additional costs and administrative burden; believes that any revision of a solvency regime for IORPs should be carried out within the framework of the existing IORP Directive; stresses that addressing the questions related to a capital requirements regime for pension funds is closely linked to adequate resolution of the issues concerning Article 8 of the Insolvency Directive;

51. Stresses, in line with the Commission's statement in the Green Paper, that the IORP Directive is based on a Solvency I minimum harmonisation approach, whereas, in the near future, insurance undertakings will apply the risk-based Solvency II regime even for their occupational pension activity;

52. Stresses that financial markets can function efficiently only when there is confidence and trust and considers that confidence and trust require solid prudential rules for financial institutions, and that IORPs should be no exception to this;

53. Calls on the Commission to develop proposals on decision-making in relation to the IORPs' solvency regime and notably – in line with its declared intention in the Green Paper – to launch an impact study on application of a Solvency-II-type solvency regime as soon as possible;

EU legislation on insolvency

54. Takes good note of the wide variety in implementation and application of the Insolvency Directive; observes that, while the relevant legislative provisions may be fairly adequate, the results can be inadequate and thus at odds with the Directive's aim; refers to the Commission's conclusion that, in certain cases concerning the implementation of the obligations imposed by Article 8 of the Directive, issues can be raised as regards the extent to which some of these measures are sufficient to protect the interests of employees and retired persons in the event of insolvency of the employer and that a number of issues need to be addressed;

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55. Calls on the Commission to follow the implementation of this Directive closely, to take action against Member States where justified and, in any review of this Directive, to take account of the specific situation concerning the employer's financing obligations vis-à-vis its employees or its pension fund;

56. Considers that there is a need to strengthen the EU legislation relating to employers' insolvency in order to offer all workers equal protection of their savings regardless of the nature of their employer's pension provision system;

57. Calls for an examination of whether pension insurance associations, such as those that exist in Luxembourg and Germany to protect the book reserve second pillar schemes, can be recommended to other Member States to protect the security mechanism;

Information/participation and investment

58. Is concerned about the lack of information provided to the public by public authorities and bodies administering pensions with regard to requirements, options, possibilities, accumulated entitlements, likely returns and the actual state of affairs with regard to old-age pensions; stresses that citizens have to be provided with information regarding the actual costs and charges when concluding additional pension scheme contracts and with optimal information on the status of their pensions; stresses also the importance of sound financial education from an early stage;

59. Notes that there is a need for increased transparency and disclosure of fees levied on asset management and especially on all layers of investments by private pension providers; considers that the information provided to citizens from Member States and by funds concerning the accumulated entitlements should be integrated into an operational, transparent and accessible system at European level;

60. Considers that members of the public must be promptly and fully informed of the long-term consequences of any reform of pension provisions, particularly concerning the amount of their own pension and the total number of years of pension contributions due; notes that reforms must provide for an effective and smooth transitional regime; calls on the Member States to launch campaigns which enable and encourage citizens to inform themselves on the impact on their pension decisions as well as to ensure adequate pension provision for themselves;

Policy coordination

61. Considers that, in the further debate on an adequate, safe and sustainable pension system, it would be helpful to establish a European pensions platform involving representatives of EU institutions, social partners and relevant stakeholders to exchange information about best practice and help to prepare policy initiatives, all in compliance with the subsidiarity principle; considers that, in order to avoid overlap in this context, account should be taken of the existing advisory committee on supplementary pensions (the 'Pensions Forum');

62. Calls on the Commission to consider setting up a special task force on pensions, involving all relevant DGs with competences relating to pensions issues;

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

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2010 progress report on Croatia

P7_TA(2011)0059

European Parliament resolution of 16 February 2011 on the 2010 progress report on Croatia

(2012/C 188 E/04)

The European Parliament,

- having regard to the decision adopted by the Council on 3 October 2005 to open accession negotiations with Croatia,
 - having regard to its resolution of 10 February 2010 on the 2009 progress report on Croatia ⁽¹⁾,
 - having regard to the 2010 progress report on Croatia, published by the Commission on 9 November 2010 (SEC(2010)1326),
 - having regard to the recommendations of the EU-Croatia Joint Parliamentary Committee adopted at its 11th meeting on 29 March 2010 in Zagreb and at its 12th meeting on 30 November 2010 in Brussels,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the European Parliament continues to be fully committed to promoting Croatia's membership of the European Union and is determined to help bring its accession process to a swift and successful conclusion,
- B. whereas the accession negotiations with Croatia have progressed significantly and have entered their final phase; whereas substantial overall progress was noted particularly in attaining the benchmarks set in the negotiating chapters,
- C. whereas the accession negotiations with Croatia can be completed in the first half of 2011 provided that the necessary reforms continue to be pursued resolutely by, in particular, strengthening public administration and the judiciary, continuing to combat corruption, ensuring the sustainability of refugee return, full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), the continuation of the privatisation process and the adoption of restructuring plans for the shipyards in difficulty,
- D. whereas reform efforts need to be sustained also beyond the completion of the accession negotiations in order for the country and its citizens to fully benefit from the advantages of EU membership,
- E. whereas the prospect of EU membership is a powerful incentive for other countries in the Western Balkans region on the path to European integration to pursue the necessary political, economic and legislative reforms and the strengthening of peace, stability and reconciliatory coexistence in the region based on good-neighbourly relations; whereas the EU should reinforce the prospects for accession to the EU of Croatia's neighbouring countries which belong to the Thessaloniki process,

General Remarks

1. Commends Croatia for the substantial progress achieved in attaining the benchmarks necessary for the conclusion of the accession negotiations; asks Croatia to pursue resolutely the necessary reforms in order to be able to attain the final benchmarks and to conclude the negotiations; calls on the Commission to use all its capacities to support Croatia's efforts to attain the benchmarks;
2. Welcomes the intention of the Hungarian Presidency to complete the negotiations in the first half of 2011 if all the criteria and benchmarks are complied with;

⁽¹⁾ OJ C 341 E, 16.12.2010, p. 48.

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3. Strongly believes that a swift accession of Croatia entails both a European and a regional dimension and would further encourage the rest of the countries of the Western Balkans to resolutely launch and implement accession-related reforms;

4. Continues to be concerned that, as revealed by the latest Eurobarometer survey, the majority of Croatian citizens think that Croatia's EU membership would not benefit the country; encourages the Croatian authorities and civil society, with the help of the Commission, to work to ensure that the Croatians see the European project as being theirs as well; calls on the Croatian Government to lend much more political support to civil-society organisations that seek to promote EU membership for the country and to engage these non-state actors better in the accession process; is of the view that it is crucial to give the citizens clear and factual information on the implications of Croatia's accession to the EU;

Political criteria

5. Welcomes the fact that in June 2010 an overwhelming majority of the Croatian Parliament adopted substantial amendments to the Constitution required by EU accession; believes that the constitutional changes adopted will pave the way for passing the remaining legislation; regrets the fact that the Parliament and Government missed the opportunity to enshrine in the Constitution better protection for minority groups, such as LGBT, and the principle of ecological sustainability;

6. Underlines that, while further steps have been taken to strengthen public administration, major weaknesses remain in administrative procedures, while administrative capacities still remain insufficient, particularly in view of the complexity of public administration reform; calls on the Croatian Government to address the considerable delays in the decentralisation process also by elaborating and implementing a decentralisation strategy and by taking further steps to depoliticise the public administration and further enhance its professionalism and ethics; is of the view that the completion of a clear merit-based promotion strategy and revised remuneration policy are key in this respect;

7. Notes that corruption seems to have been widespread in Croatia and remains a serious overall problem; welcomes the efforts of the Croatian Government to take a strong stance against all forms of corruption; stresses that the Government gave special attention to the legal and institutional framework for fighting corruption, including investigations, prosecutions and inter-agency and international cooperation; takes note of the high-profile anti-corruption cases under way involving a former Prime Minister, two former ministers, high-profile civil servants and numerous general managers of state-owned firms; expects transparent and fair trials and reminds the Croatian authorities of the importance of protecting the corruption investigation process from political interference; welcomes the creation of special anti-corruption and organised crime departments in the four largest courts in the country, where judges are screened and receive additional training; requests OLAF to closely cooperate with the Croatian authorities in order to shed light on the potential secondary corruption which may be generated within the EU Institutions;

8. Notes that, while the fight against corruption remains one of the main priorities of the Government, few corruption cases have come to court and most remain at the prosecution/investigation stage; calls on the Croatian authorities to further strengthen the administrative capacities of anti-corruption bodies, in particular that of the Office for the Fight against Corruption and Organised Crime (USKOK), and further foster a culture of political accountability; notes the efforts of the Croatian authorities to prevent corruption by means of instruction of judges and other public officials and by means of information to the whole society; underlines that more needs to be done in this regard, especially by increasing the transparency of public spending; welcomes the Government's efforts to eliminate shortcomings in the area of financing of political activities and election campaigns;

9. In order to help create an independent and impartial judiciary, is pleased with the substantial efforts to further reform the judiciary, in particular with the adoption of the revised judicial reform action plan; welcomes the progress in further reducing the backlog of cases, especially those where proceedings last more than three years, and rationalising the court system by setting up larger courts, county courts and commercial courts as well as by arranging for judges to specialise; notes the positive steps, including with regard to the State Judicial Council, the independence of the Judicial Academy and the establishment of the school for judicial officers, to reinforce the independence of judicial appointments and to improve career development and the disciplinary liability of chief judges as well as the adoption of general safeguards for enhanced independence of the judiciary;

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10. Stresses that, although the courts have reduced the number of unresolved cases awaiting trial, the rule of law and citizens' confidence in the judiciary are still suffering from the heavy backlog of cases and excessive length of court procedures; notes with regret that, while the number of judges is high, there are insufficient court-support personnel and therefore calls on the Croatian authorities to address this discrepancy; underlines that the enforcement of court decisions remains a problem;

11. Notes that the Commission has not yet observed sufficient progress with regard to the infrastructure and equipment of courts, mainly because of the lack of appropriate funding; expects this system to be functional at the earliest possible time in order to combat the backlog of cases in Croatia and ensure that justice is not delayed and is delivered efficiently and promptly; encourages the Croatian authorities to continue improving the independence, efficiency and resources of the judiciary; calls on the Commission to ensure that the reforms of the public administration and the judiciary are successfully implemented before Croatia's accession to the Union; calls on the Commission to assess the impact and results achieved through the allocation of EU funds in the reform of the judiciary and the fight against corruption;

12. Takes note of the statement made by the Prosecutor of the ICTY before the United Nations Security Council (UNSC) on 6 December 2010; welcomes the generally responsive attitude of Croatia's authorities to the Prosecutor's requests for assistance and the fact that requests are answered adequately and access to witnesses and evidence is provided; calls on the Croatian Government, however, to intensify its administrative investigation concerning the requested military documents and clarify inconsistencies in its reports to the Prosecutor's Office that were mentioned in the Prosecutor's latest statement to the UNSC and have not been resolved yet;

13. Welcomes the efforts of the Croatian Inter-Agency Task Force to provide a full account of the whereabouts of the requested documents; on the other hand, calls on the Council to consider as well the position of the ICTY Trial Chamber, notably that it could not be determined with sufficient certainty whether the requested artillery logs still exist;

14. Is pleased to note that Croatia remains active in trying war crimes cases on its own initiative and that prosecutors have continued to review pending war crimes cases and in absentia convictions, and apply standard measures to ensure uniform practices without regard to the defendant's national origin; notes, however, that further improvements are necessary in the conduct of war crimes trials, in order to ensure fully unbiased, impartial trials as well as to tackle impunity and improve witness protection; encourages the Croatian authorities to further enhance dialogue and cooperation in this field with neighbouring countries; commends the Croatian Government for its programme to eliminate the landmines left over from the hostilities of the 1990s and urges the authorities to pursue the programme with particular attention to the country's most severely affected easternmost territories;

15. In order to address remaining shortcomings with regard to the domestic prosecution of war crimes, underlines the need to proceed quickly with such prosecutions; calls for the Criminal Code to be updated in accordance with the highest standards of international law, especially with regard to the definition of crimes against humanity, provisions on command responsibility and the laws defining crimes of sexual violence; calls, in addition, for witness protection measures to be further improved;

16. Welcomes the overall progress in the field of refugee return and is pleased to note that public hostility towards returning Serbs has diminished in most of the country; notes, however, that problems still remain for refugees and returnees and therefore calls on the Croatian authorities to facilitate the reintegration of returnees by further removing obstacles to obtaining permanent residence status, by adequately financing and accelerating the programme of house reconstruction and by launching social and economic recovery projects; calls on the Croatian authorities to resolutely address the remaining applications, prioritise the review of appeals and pursue efforts to revitalise the economies of disadvantaged areas affected by the war, to further improve the sustainability of returns and to continue fostering inter-ethnic reconciliation in a climate of ethnic tolerance and embrace of ethnic and cultural diversity;

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17. Notes that freedom of expression, including freedom and pluralism of the media, is provided for in Croatian law and generally respected in the country; calls on the Croatian authorities, however, to take further steps to ensure the independence of media outlets and create conditions for their professionalism as well as to continue to demonstrate their commitment to ensuring that the media sector operates without political interference and that the independence of regulatory bodies is guaranteed; encourages the Croatian authorities further to vigorously investigate cases of intimidation and political pressure on journalists as well as commercial influence, and to improve the investigation of threats against journalists working on cases of corruption, organised crime and other unlawful activities; in this respect, welcomes the ruling of the Zagreb District Court in the case of the murder of an editor of a weekly newspaper;

18. Notes furthermore that the public broadcasting organisation Croatian Radio and Television (HRT) continues to face serious managerial difficulties following several unsuccessful attempts by the HRT Programme Council to elect a new director of HRT, which is affecting HRT's functioning; welcomes the entry into force of the new law on radio and television and expects the HRT managerial structure to be depoliticised and editorial independence to be ensured;

19. Welcomes the relative progress made in the area of women's rights and gender equality; notes that some twenty-five percent of parliamentary seats, as well as almost half of administrative positions in the public sector, are held by women, demonstrating the progress towards gender equality; while the gender employment ratio is a positive aspect of Croatia's economy, highlights, however, that the percentage of women occupying positions of enterprise leadership remains low and that gender wage differences persist; requests therefore further active promotion of the participation of women in economic and political decision-making bodies and swift implementation of the Gender Equality Law, including the principle of equal pay; considers that women's social protection is currently advanced in comparison to the situation in Croatia's neighbours; calls on the Croatian authorities to pay more attention to the fight against domestic violence;

20. Welcomes the fact that Croatia was among the first countries to agree to be bound by the International Convention on the Rights of Persons with Disabilities; encourages the Croatian authorities to implement the existing measures and to adopt additional, concrete and transparent plans to reform institutionalisation and legal capacity as well as to address the issue of the growing number of mentally disabled persons living in overcrowded institutions rather than communities in order to fully ensure the legal and human rights of people with disabilities; since the Convention explicitly recognises the basic right of mentally disabled persons to live in a community, recommends the Croatian authorities to make reforms consistent with this provision by providing alternative care options; encourages Croatia further to enforce the relevant legal provisions on access to public buildings for persons with disabilities;

21. Notes good progress with regard to respect for and protection of minorities, with a greater focus on minority issues in a context of improved relations in the region; welcomes the strengthening of the constitutional provisions on minorities and the fact that, despite the financial austerity measures, the level of funding available for minority organisations has only been marginally reduced; however, stresses the need to take the appropriate measures to protect the Roma minority;

22. Emphasises the importance of dialogue with civil society and underlines the important role played by civil-society organisations in defining policy priorities; acknowledges the Croatian Government's efforts to consult civil society; calls on the authorities to take further steps to formalise and increase participation by civil-society actors in the policy-making process and in the monitoring of activities of the authorities; stresses the crucial role of civil society in contributing to enhanced regional cooperation on social and political aspects;

23. Welcomes the progress made with regard to the prison system, in particular the beginning of construction of new prison facilities as well as the implementation of a new system of probation; notes, however, that, due to the problem of overcrowding, prisoners' needs for healthcare, hygiene, space and fresh air, and access to work opportunities have yet to be fully met;

24. Welcomes improvements regarding prosecutions for so-called hate crimes by the relevant authorities; urges the authorities to go one step further by establishing an adequate classification and definition of hate crimes, especially with regard to crimes based on the victim's sexual orientation, cultural background or ethnicity;

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25. Welcomes the progress in the implementation of hate-crime legislation; notes however that the authorities have to address more resolutely cases of racial threats and intolerance against sexual minorities;

Economic criteria

26. Notes that, although the economic decline has slowed down, the Croatian economy has continued to contract, with a decline in real GDP; while it welcomes the economic recovery plans, calls on the Government to translate its recommendations into vigorous policies;

27. Calls on the Croatian Government to address the structural weaknesses of the economy and reduce its redistributive role through structural reform to boost competitiveness; underlines that a rationalisation of the public sector is required, together with further fiscal consolidation/reforms aimed at reducing public expenditure; notes further that serious efforts are needed to reform Croatia's health sector, social systems and state aid policies to achieve cost-effectiveness and a steady level of public spending under a sound fiscal policy framework;

28. Calls on the Croatian Government to address the very low employment rates and pursue further efforts to increase employment by addressing inflexible labour market regulations and the disincentives for workers' participation in the labour market, by vocational education, training and life-long learning;

Abilities to assume the obligations of membership

29. Is pleased to note that Croatia has continued to improve its ability to take on the obligations of EU membership, with a good degree of alignment with the *acquis communautaire* in most sectors; encourages the Croatian authorities, however, to devote particular attention to administrative capacities ensuring proper implementation so that the country may maximise the benefits of EU membership after accession;

30. Takes note of the tendering procedure for the shipyards in difficulty in May 2010; calls on the Croatian Government to conclude as soon as possible the process of restructuring in this regard in order to attain an important benchmark of the accession negotiations necessary for the provisional closure of the competition chapter;

31. Welcomes the substantial efforts to reinforce administrative and institutional capacity as well as to strengthen the overall system of management of pre-accession assistance with a view to adequately preparing for the implementation of cohesion and rural policies upon Croatia's accession to the EU;

32. Urges the Croatian Government to improve the coordination of central government institutions responsible for environmental management, in particular those for spatial planning, waste and water management and air, in order to be able to sufficiently preserve the unique environment and maintain a high level of biodiversity; calls on the Government in particular to carry out, as a first step and matter of urgency, a thorough assessment of its current administrative architecture in the fields of environmental policy-making and management;

33. Notes with satisfaction that Croatia's location and the three European Transport Corridors that cross the country offer cost-efficient access to Central European markets for cargos bound for or originating in the East and Far East and stresses the need for integrated development of ports and rail and road connections to European corridors required to sustain an attractive location for transportation services;

34. Notes that Croatia has made significant progress with aligning its policy, legislation and regulations with the *acquis* on electronic communications and information technologies and encourages the Croatian authorities to promote internet access as widely as possible; welcomes the fact that the switchover to digital television broadcasting has been handled successfully; however, regrets that in spite of the regulations in place, competition on the fixed broadband market still remains limited;

35. Notes that the structural challenges have remained in agriculture and that private farms are still operating on small, fragmented lands with limited capacity to achieve economies of scale;

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36. Welcomes Croatia's participation in the Common Security and Defence Policy (CSDP) operations and missions, in particular in the military operation EU NAVFOR Atalanta and the EU civilian missions EUPOL Afghanistan and EULEX Kosovo, as well as Croatia's contribution to EU Battlegroups through active participation in the Nordic Battlegroup and in the German-led Battlegroup; furthermore, notes with satisfaction Croatia's systematic and regular alignment with the Common Foreign and Security Policy (CFSP) declarations, common positions and statements whenever it has been invited to endorse them, both in Brussels and at the level of international organisations;

Regional cooperation

37. Encourages Croatia to continue its efforts to maintain and further develop good-neighbourly relations and to remain an important and proactive promoter of regional cooperation on all levels; commends the Croatian President for paying deep respect to Bosnian victims of war crimes on his official visit to Sarajevo in April 2010; sees this initiative and gesture as a commitment on the part of Croatia to solve historical issues with its neighbours in a fair, sincere and dignified manner; welcomes also the joint statement by the President and Prime Minister of Croatia on support for the territorial integrity and sovereignty of Bosnia and Herzegovina and its accession to the EU and NATO; notes that progress in regional cooperation has been uneven and therefore urges the Croatian Government and the governments of the neighbouring countries to intensify their dialogue aimed at reconciliation among the citizens of the region and at reaching definite and mutually acceptable solutions to all outstanding bilateral issues, in particular as regards final agreements on state borders, missing persons, property restitution and refugee return as well as the extradition of citizens in cases of war crimes and crimes against humanity;

38. Welcomes the entry into force of the arbitration agreement between Croatia and Slovenia on the border issue on 29 November 2010; considers that solving the long-lasting border dispute between the neighbouring countries is an important signal for the entire region to foster the culture of dialogue and compromise; recalls the provisions of Article 10 of the arbitration agreement according to which both parties should refrain from any action or statement which might intensify the dispute or jeopardise the work of the arbitral tribunal;

39. Calls for progress in the resolution of bilateral disputes with neighbouring countries, such as the border issues with Serbia, Montenegro and Bosnia and Herzegovina, so as to prevent these disputes from becoming an obstacle to further enlargement of the EU once Croatia has joined;

40. Commends Croatia and Serbia for their ambition and efforts to strengthen reconciliation among their citizens in an atmosphere of mutual trust; welcomes the visit by Serbian President Tadić together with the Croatian President to Vukovar, where Serbia's President paid his respects and apologised for the crimes committed at Ovčara near Vukovar, as well as the common commitment to investigate the fate of missing persons and to find solutions to refugee and return issues as important steps towards reconciliation; welcomes the fact that the Croatian President Josipović paid tribute to the Serbian victims of the war in Croatia; welcomes the signing of the agreement on extradition of persons suspected or convicted of crimes related to organised crime and corruption between Croatia and Serbia on 29 June 2010, as well as the conclusion of the extradition agreement between the Republic of Croatia and Montenegro on 1 October 2010, as a significant step in enhancing the effectiveness of the fight against corruption and organised crime and reducing impunity within the region;

41. Welcomes the regional initiative the 'Brdo process', launched by Croatia and Slovenia in March 2010, in particular the agreement between Croatia, Slovenia and Serbia on forming a joint freight rail company to improve cargo transport from and to Western Europe, Turkey and Greece through the three countries; believes that this will not only significantly reduce transport costs and shorten travel times through simplified border and customs controls but reflects a commitment to translate reconciliation efforts into practical steps of economic benefit to all;

42. Takes the view that the region's economic development could be accelerated through close cooperation by Croatia and Serbia in the framework of the Danube Strategy, as this would provide an opportunity to further connect these countries to the EU through various forms of cooperation in the area of transport, the environment and economic development within the framework of the Danube macro-region;

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43. Stresses the need to exercise the greatest care and to have recourse to the latest environmental technology in relation to power plant construction along the Danube and the relevant regulatory measures; demands, in this regard, that the landscape context, which is unique in Europe, be respected and that the EU rules on development authorisation be applied from the outset; considers that these principles must also hold good in respect of structural alterations to the course of other rivers;

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

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Situation in Egypt

P7_TA(2011)0064

European Parliament resolution of 17 February 2011 on the situation in Egypt

(2012/C 188 E/05)

The European Parliament,

- having regard to its previous resolutions on Egypt,
- having regard to the International Covenant on Civil and Political Rights of 1966, as ratified by Egypt in 1982,
- having regard to the European Council declaration on Egypt and the region of 4 February 2011,
- having regard to the Council conclusions on Egypt of 31 January 2011,
- having regard to the joint statement by President of the European Council Herman Van Rompuy, President of the European Commission José Manuel Barroso and EU High Representative Catherine Ashton on recent developments in Egypt of 11 February 2011,
- having regard to the statement by President of the European Parliament Jerzy Buzek on the resignation of President Hosni Mubarak of 11 February 2011,
- having regard to the statement by President of the European Council Herman Van Rompuy on the situation in Egypt of 29 January 2011,
- having regard to the statements by EU High Representative Catherine Ashton on Egypt of 4 February, 3 February, 28 January and 27 January 2011 as well as on the elections to the People's Assembly of Egypt of 6 December 2010,
- having regard to the Fifth Statement of the Supreme Council of the Egyptian Armed Forces of 13 February 2011,
- having regard to the Commission Communication entitled 'Implementation of the European Neighbourhood Policy in 2009: progress report on Egypt' (COM(2010)0207 - SEC(2010)0517),
- having regard to the joint decision of April 2009 by Egypt and the EU to work towards enhancing their relations, as proposed by Egypt in 2008,
- having regard to the EU-Egypt Association Agreement of 2004 and the Action Plan agreed in 2007,
- having regard to the development of the European Neighbourhood Policy (ENP) since 2004, and in particular to the Commission's progress reports on its implementation,

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- having regard to the EU Guidelines on Human Rights Defenders of 2004 as updated in 2008,
- having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas recent demonstrations in several Arab countries in Northern Africa and the Middle East have called for political, economic and social reforms and have expressed strong popular demands for freedom, genuine democracy and better living conditions for the citizens,
- B. whereas Egyptian President Hosni Mubarak stood down on 11 February 2011; whereas his powers have been handed to the Supreme Council of the Armed Forces; whereas the Supreme Council has requested the government recently appointed by President Mubarak to continue operating until a new government is formed, pledged to hand over power to an elected civilian government, and taken important decisions as announced in its Fifth Statement of 13 February 2011,
- C. whereas responding to the popular demand for freedom, genuine democracy and social justice in Egypt requires an immediate, serious and open dialogue with the participation of all political and social forces that respect democracy, uphold the rule of law and respect human rights and fundamental freedoms, which dialogue should result in real and significant reforms,
- D. whereas peaceful protests against the Egyptian regime were met with violent repression from police using teargas, water cannons, rubber bullets and live ammunition as well as with attacks on demonstrators by armed individuals and pro-government militias, resulting in the death of hundreds of people; whereas hundreds of people, including human rights defenders, journalists and lawyers, have been arrested and detained,
- E. whereas the Egyptian Government took the unprecedented measure of shutting down the Internet in order to silence the demonstrators and limit the freedom of expression of the people; whereas media and legal centres such as Al Jazeera and the Hisham Mubarak Law Centre were closed by the military police,
- F. whereas the promotion of respect for democracy, human rights and civil liberties is a fundamental principle and aim of the EU and constitutes common ground for the development of the Euro-Mediterranean area; whereas the Euro-Mediterranean partnership was mainly focused on economic reforms and was unable to bring about the necessary political and institutional reforms; whereas the Union for the Mediterranean, which was supposed to enhance the EU's policy in the region, proved ineffective to counter the growing mistrust and meet the basic needs of the people concerned,
- G. whereas the quest for stability has often overshadowed the values of democracy, social justice and human rights in the EU's and its Member States' relations with southern neighbours in the past years; whereas human rights clauses in Association Agreements should be systematically backed up by a mechanism to implement those clauses; having regard in this context to the ongoing and necessary review of the ENP,
- H. whereas the European Parliament has repeatedly called for the lifting of the state of emergency, which has been in place since 1981, the strengthening of democracy, and respect for human rights and fundamental freedoms in Egypt,
- I. whereas Egypt is a key partner of the EU in the Middle East; whereas the EU should contribute to the emergence of a democratic, prosperous and stable Egypt by encouraging and supporting the renewal of the country,

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- J. whereas Egypt is playing an active and crucial role in support of the Middle East Peace Process and in intra-Palestinian reconciliation; whereas the Supreme Council of the Armed Forces has confirmed Egypt's commitment to implementing all international treaties and covenants to which it is party,
1. Expresses its solidarity with the Egyptian people, applauds their courage and determination, with special regard to the young generation, and strongly supports their legitimate democratic aspirations;
 2. Strongly condemns the violence and disproportionate force used against protesters and deeply regrets the resulting considerable loss of life and the high number of injuries; extends its condolences to the families of the victims; calls for an independent inquiry into the events leading to death, injuries and imprisonments, and for those responsible to be brought to justice;
 3. Calls for the immediate and unconditional release of all peaceful demonstrators, prisoners of conscience, Egyptian and international human rights defenders, journalists and lawyers; urges in this respect the Egyptian authorities to immediately disclose the whereabouts of those detained and to ensure that they are protected from all forms of torture or other ill-treatment;
 4. Considers that the standing down of President Hosni Mubarak has opened up a new phase in the political transition in Egypt; calls for a genuine and open national political dialogue to be launched immediately with the participation of all key political and civil-society actors with the aim of paving the way for lifting the state of emergency, revision of the Constitution and the electoral law, free and fair elections, a democratically elected civilian government and genuine democracy in Egypt;
 5. Calls on the Egyptian armed forces to play a constructive role in avoiding further violence and to facilitate the political process; takes note of the decisions of the Supreme Council of the Armed Forces to suspend the Constitution, dissolve the parliament, establish a committee, which must include independent members, to amend articles of the Constitution, hold a popular referendum on these amendments, and hold parliamentary and presidential elections; calls again for a democratic process in which all political and civil-society actors should be involved in order to reach a national consensus;
 6. Stresses the importance of restoring all communication networks, including the Internet, without delay and fully respecting freedom of information, expression and association in Egypt;
 7. Expresses its strong support for reforms leading towards democracy, the rule of law and social justice in Egypt; reiterates its call for the lifting of the state of emergency; stresses again the importance of good governance, the fight against corruption, and respect for human rights and fundamental freedoms in Egypt, with special regard to freedom of conscience, religion and thought, freedom of expression, freedom of the press and media, freedom of association, women's rights and gender equality, the protection of minorities and the fight against discrimination based on sexual orientation;
 8. Stresses the importance of considerably accelerating economic and social reforms in Egypt, as freedom, economic development and a higher standard of living are essential for political and social stability in the country;
 9. Calls on the EU and its Member States to actively support a rapid transition towards a peaceful, pluralist and just Egypt; supports, in a wider context, the European Council's view that the EU should lend its full support to transition processes in the region with the aim of creating democratic governance, pluralism and improved opportunities for economic prosperity and social inclusion and strengthening regional stability;
 10. Calls on the EU, the Member States, political parties and foundations to help democratic political forces and civil-society organisations in Egypt to organise themselves in order to be able to participate fully in the transition to democracy; calls on the Egyptian authorities to ensure that Coptic Christian communities do not fall victim to current events and that all religious communities can live in peace and freely express their beliefs throughout the country;

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11. Calls on the High Representative to promote the setting-up of a task force involving the European Parliament which can meet the need for support for the democratic transition process as expressed by those working for democratic change, in particular as regards free and democratic elections and institution-building, including developing an independent judiciary; calls on the High Representative to support the democratic transformation also by sending an electoral observation mission to forthcoming elections;
12. Welcomes Council Implementing Decision 2011/79/CFSP and Council Regulation (EU) No 101/2011 of 4 February 2011 ⁽¹⁾ imposing the freezing of assets owned or controlled by persons deemed to be responsible for the misappropriation of state funds in Tunisia and persons associated with them and calls on the Council to adopt the same measures as regards all responsible persons in Egypt;
13. Emphasises that events in Egypt, and in other countries in the region, highlight again the urgent need to develop more ambitious and efficient policies and instruments as well as to strengthen their budgetary background to encourage and support political, economic and social reforms in the EU's southern neighbourhood; stresses that the ongoing Strategic Review of the European Neighbourhood Policy must reflect current developments in the region and must come up with new improved ways to meet the needs and aspirations of the peoples; calls for better coordination with the EU's other policies vis-à-vis those countries;
14. Reiterates its demand for the EU to revise its democracy and human rights support policy so as to create an implementation mechanism for the human rights clause in all agreements with third countries; insists that the review of the ENP must prioritise criteria relating to the independence of the judiciary, respect for fundamental freedoms, pluralism and freedom of the press, and the fight against corruption; points out, in this regard, that the current Action Plans must be radically revised with the inclusion of clear priorities accompanied by incentives for political reforms; calls on the Council to define a set of political criteria that ENP countries must fulfil in order to be granted 'advanced status';
15. Considers crucial the role that the EU financial instruments for external action for the region, notably the ENPI, the EIDHR and the Stability Instrument, can play in this regard and calls for their strengthening in order to enable them to be used effectively and consistently in these exceptional circumstances; asks the High Representative to make full use of all relevant EU external financial instruments, including EIDHR; underlines that democratic scrutiny of these financial instruments by the European Parliament must be ensured; stresses also the importance of addressing urgently the question of rising food prices and in general of food security and rural development;
16. Calls on the Union for the Mediterranean to urgently reflect and act on recent events in order to put forward proposals on how to best promote democracy and human rights in its Member States and in the region and on possible reforms in order to make its own role stronger and more efficient; calls on the Anna Lindh Euro-Mediterranean Foundation to play an urgent and active role in mobilising the civil society of the Euro-Med region for the promotion of citizenship and participation;
17. Recognises the crucial role of Egypt in the Arab world and in the Middle East Peace Process and the importance of the Peace Agreement with Israel; calls on Egypt to remain committed to playing an active and constructive role to find lasting peace in the Middle East with a particular focus on the Israeli-Palestinian conflict and Palestinian reconciliation, and calls for the Egypt-Israel peace treaty to be maintained; welcomes the statement by the Supreme Council of the Armed Forces that Egypt is committed to implementing all international treaties and covenants to which it is party;
18. 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 Commission, the parliaments and governments of the Member States and the Egyptian authorities.

⁽¹⁾ OJ L 31, 5.2.2011, pp. 40 and 1.

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Implementation of the EU strategy for the Danube region

P7_TA(2011)0065

European Parliament resolution of 17 February 2011 on the implementation of the EU Strategy for the Danube Region

(2012/C 188 E/06)

The European Parliament,

- having regard to Article 192 of the Treaty on the Functioning of the European Union,
- having regard to the oral questions to the Commission on the implementation of the EU Strategy for the Danube Region (O-00014/2011 – B7-0011/2011 and O-00029/2011 – B7-0013/2011),
- having regard its Resolution of 21 January 2010 on a European Strategy for the Danube region ⁽¹⁾,
- having regard to the Communication from the Commission of 8 December 2010 on the European Union Strategy for the Danube Region (COM(2010)0715) and its Action Plan (SEC(2010)1489),
- having regard to the EU Strategy for the Baltic Sea Region (COM(2009)0248),
- having regard to the European Council of 18 and 19 June 2009, which called on the Commission to draw up, by 2010, a European Strategy for the Danube Region,
- having regard to its resolution of 24 March 2009 on the Green Paper on Territorial Cohesion and the state of the debate on the future reform of cohesion policy ⁽²⁾,
- having regard to its resolution of 26 October 2006 on the promotion of inland waterway transport: NAIADES, an integrated European Action Programme for inland waterway transport ⁽³⁾,
- having regard to the Opinion of the Committee of the Regions of October 2009 on 'An EU strategy for the Danube area',
- having regard to the Opinion of the Committee of the Regions, 'The Committee of the Regions' White Paper on Multilevel Governance' (CdR 89/2009),
- having regard to the Opinion of the Economic and Social Committee on 'Macro-regional cooperation - Rolling-out the Baltic Sea Strategy to other macro-regions in Europe' (ECO/251),
- having regard to the Council work programme drawn up by the Spanish, Belgian and Hungarian presidencies,
- having regard to the Espoo, Aarhus and Berne Conventions on environmental protection,
- having regard to the Water Framework Directive and the Helsinki Convention,

⁽¹⁾ OJ C 305 E, 11.11.2010, p. 14.

⁽²⁾ OJ C 117 E, 6.5.2010, p. 65.

⁽³⁾ OJ C 313 E, 20.12.2006, p. 443.

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- having regard to the Belgrade Convention regulating navigation on the Danube,
- having regard to Rules 115(5) and 110(4) of its Rules of Procedure,
- A. whereas the Lisbon Treaty acknowledges territorial cohesion as an objective of the European Union (Article 3 TEU),
- B. whereas macro-regional strategies are aimed at making better use of existing resources to tackle issues of territorial development and identify joint responses to common challenges,
- C. whereas in order to increase the effectiveness of regional policy the idea of an integrated approach should be supported and developed, including the creation of strategies for macro-regions that are EU-level strategies,
- D. whereas the Baltic Sea Strategy already provides a model for coordinating EU policies and funding in geopolitical territorial units – macro-regions – defined on the basis of specific criteria,
- E. whereas the Danube region, comprising 14 European countries and 115 million people both within and outside the EU – Germany, Austria, Slovakia, the Czech Republic, Slovenia, Hungary, Romania, Bulgaria, Croatia, Serbia, Bosnia and Herzegovina, Montenegro, Moldova and Ukraine – is an area where enhanced synergies between various EU policies – cohesion, transport, economic, energy, environment, culture, education, agriculture, fisheries, enlargement and neighbourhood policies – can be developed,
- F. whereas the EU Strategy for the Danube Region should therefore combine and coordinate economic, environmental, social and cultural elements,
- G. whereas that strategy should contribute significantly to improving multi-level governance and involvement of partners and civil society operating in the Danube region and make for prosperity, sustainable development, job creation and security in the area,
- H. whereas the Danube region is a significant historical gateway unifying the West and the East of Europe,
- I. whereas the River Danube has almost become an internal waterway of the European Union following consecutive enlargements, and the Danube region may make a substantial contribution to reflecting the changes since these enlargements,
- J. whereas the Danube region constitutes an interconnected macro-region with heterogeneous economic capacities,
- K. whereas the economic development of the Danube region will significantly increase the economic wealth of this macro-region and stimulate employment,
- L. whereas considering the Danube area as a single macro-region would help overcome the regional differences in economic performance and sustain integrated development,
- M. whereas the Danube delta and Budapest, including the Banks of the Danube, have been a UNESCO World Heritage Site since 1991 and the Danube region includes several Special Protection Areas and Special Areas for Conservation within the Natura 2000 framework; whereas the Danube and the Danube delta have a unique and fragile ecosystem, which is home to rare plant species that are under threat due to pollution,

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1. Welcomes the approval by the Commission of the Strategy for the Danube Region and supports the Action Plan accompanying it, focused on four pillars (connecting the Danube region, protecting the environment, building prosperity and strengthening the Danube region) and meeting the need to improve mobility, energy security, environmental protection, social and economic development, cultural exchange, security and civil protection in the Danube region;
2. Recalls that the European Parliament has been calling for this strategy since 2008 and calls on the Hungarian Presidency of the Council of the European Union and on the European Council to endorse the EU Strategy for the Danube Region by the June European Council and to start its implementation as quickly as possible;
3. Welcomes, in particular, the fact that the Strategy is the result of broad consultation of interested parties, including national, regional and local authorities and also the academic and business communities as well as NGOs, underlining that this is an important factor for its success; in this regard calls for the establishment of a civil-society forum in the region, bringing together public and private actors, enabling them to become involved in the development of macro-regional strategies;
4. Believes that the Strategy's territorial dimension will lead to the concrete development of the idea of territorial cohesion, which the Lisbon Treaty places on an equal footing with economic and social cohesion, and with this in mind calls on the Commission to engage in active dialogue on the role and impact of EU macro-regional policies after 2013;
5. Stresses that the major added value of EU macro-regional strategies is seen in multi-level cooperation, coordination and better strategic investments using the available funding, not in additional allocation of resources; underlines the conclusions of the Swedish Presidency regarding no new institutions, no new legislation, no new budgets;
6. Calls on the Member States and regions to take advantage of the Structural Funds available for 2007-2013 in order to ensure maximum support for the Strategy, in particular to promote job creation and economic growth in areas most affected by the economic crisis, and, at the same time, recommends, where justified, making provision for changes to the Operational Programmes in the current programming period; highlights that exploiting the particular characteristics of regions could lead to much more effective use of the Structural Funds and the creation of added value at regional level; stresses that non-absorbed financial resources could also be a source of financing for macro-regional projects;
7. Considers that the enlargement of the European Union as well as major trans-national challenges such as the economic crisis, environmental threats, sustainable transport, energy connectivity, resource sustainability and the ecological use of water resources show that the interdependence of individual states is on the rise, sectoral thinking is no longer appropriate and in this context the establishment of macro-regions opens up new, more efficient perspectives for multi-level cooperation by taking an integrated, coordinated approach to sustainable development on a broader regional level and making more efficient use of the Danube region's immense potential for development, and prevention of natural disasters;
8. Stresses therefore that this strategy should be seen in the context of cohesion policy objectives, especially territorial cooperation (Objective 3), and be based on an integrated, cross-domain and territorial approach, aiming at better coordinating policies between the various levels of governance in a given area, with a focus on relevant issues;
9. Underlines that the Danube Strategy is in line with EU2020 objectives, ensuring its conformity with European development trends and the EU's commitment to smart, sustainable and inclusive growth;
10. Highlighting the integrative and unifying character of the strategy, expresses its conviction that the Danube Strategy, if supported by a strong political commitment of the Member States as well as regional and local authorities, could represent a significant contribution to overcoming past divisions in Europe and thus fulfilling the vision of EU integration and to the overall success and the efficiency of the European recovery strategy after the recent years of economic and financial crisis, giving a new impetus to sustainable growth at local, regional, national, transnational and European level, not only within the limits of Central and South-Eastern Europe, but also in a much wider geographical context;

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11. Notes the deep impact the global financial and economic crisis has had on all countries in the region, in particular on the Danube riparian countries; calls on all stakeholders not to weaken their commitment to the EU Strategy for the Danube Region because of the crisis;
12. Emphasises that the Danube region is Europe's gateway to the Western Balkans and that therefore the European Strategy for the Danube region is not only conducive to the improvement of neighbourhood relations in Central and South-Eastern Europe but provides important added value in the EU's Eastern European policy, thus representing an excellent opportunity for the entire Union to fortify its political and economic cooperation with the Balkans, and, as a consequence, to contribute to the expansion and consolidation of the process of European integration in the region;
13. Emphasises that the Danube Strategy, together with the various forms of cross-border cooperation that it implies, could easily become a contributing factor for economic, social and territorial development, generating well-being, improving the quality of life, catalysing local and regional efforts, including in relation to development needs, and contributing to the creation of strong cross-border interrelations, including small-scale projects (people-to-people programmes) in various fields such as culture, education, employment, environmental protection, industrial supply chains, municipal cooperation projects and transnational transport modernisation initiatives;
14. Believes that the development of large-scale strategies, such as macro-regional strategies, should contribute to enhancing the role of the local and regional level in the implementation of EU policy more generally;
15. Stresses the fact that the new 'macro-regional' framework of cooperation has to ensure that the natural handicaps of the peripheral regions are converted into assets and opportunities, and that the development of these regions is stimulated;
16. Stresses the need to involve the relevant regional and local stakeholders, such as the Council of Danube Cities and Regions, and civil society in the Danube region at all stages of decision-making (preparation, implementation, monitoring, evaluation) in order to find solutions to common challenges, to select and implement efficiently the concrete projects and to achieve a good governance mechanism; urges the governments to support and facilitate measures to enable pro-active participation by NGOs, trade associations and civil society, with due regard also for women's networks and minority groups;
17. Recommends, in this context, increasing the local communities' involvement by setting up wider and more focused communication and consultation tools, including through the local media (local television, radio and printed and online newspapers); suggests a special web portal devoted to the EU Strategy for the Danube Region, which would act as a forum for the exchange of experiences regarding current and future projects undertaken by central and local government, NGOs and other entities active in the Danube region;
18. Recalls the results of the learning experience of the Baltic Sea Strategy in the form of transparency of the decision-making process, including allocation of EU funding;
19. Encourages political commitment to improve the trust of citizens and stakeholders in political as well as local authorities;
20. Considers that the successful implementation of the EU Danube Strategy depends on the ability, capacity and preparedness of municipal actors to intervene on regional labour markets with project initiatives triggering local demand for labour, creating the basis for smart and environment-friendly growth and improving cooperation between border regions in different Member States; draws attention to the disproportion in terms of economic development and innovation that exists in the Danube region and the necessity to increase the potential of all areas, including the highly developed ones, as they can help in pulling forward the least advantaged regions; points out the need to promote new areas with development and innovation potential and to take the opportunity of using the added value of the Baltic Sea Strategy and of the EU Strategy for the Danube Region;

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21. Calls for development of the energy infrastructure, energy efficiency and renewable energies in order to establish an integrated and well functioning market for energy;
22. Takes note of the medium- and long-term forecasts which indicate that the Southern regions of Europe – including the Member States located in the south-eastern part of Europe – will be particularly affected by the consequences of climate change; is convinced that the Danube Strategy has an important role to play in this regard, and should be designed with the objective of mitigating adverse effects of climate change in the Danube region, taking into account the complex role and nature of the network of rivers (water supply, ecological aspects, transport infrastructure, irrigation and agricultural dimension, protected fauna and flora, etc.);
23. Points out that from an ecological point of view Central and South-Eastern Europe is one of the richest but at the same time one of the most vulnerable areas of Europe, characterised by an ecosystem of high ecological complexity and great value, therefore requiring a high level of protection; welcomes the aim of the European Strategy for the Danube Region to create a liveable, sustainable and at the same time developed, prosperous Danube region by managing environmental risks such as floods and industrial pollution, preserving the quality and quantity of water reserves and ensuring their sustainable use, and preserving biodiversity, landscapes and the quality of air and soils; stresses that protecting the environment in the Danube basin is an important aspect which should stimulate responsible agricultural and rural development of the region; calls for improvements to the ecological status of the Danube, and for measures to reduce pollution and to prevent further releases of oil and other toxic and harmful substances; stresses that a good ecological status of the Danube is a prerequisite for all human activity along the river and recommends that the environmental targets should be considered in particular;
24. Is convinced that measures aimed at conserving the natural flood retention capacity of the Danube basin and preventing the recurrence of floods are most appropriate to cater for the Danube region's unique sensitivity and vulnerability; calls on the Commission and the Member States to ensure that EU money is spent on projects that are consistent with the implementation of EU environmental legislation;
25. Points out the economic interdependence of the states in the Danube region and stresses the importance of investing in ITC and in the development of Small and Medium-sized Enterprises and their research departments and of promoting innovation, entrepreneurship and the growth of a knowledge economy in order to ensure sustainable and efficient development;
26. Stresses that smart economic development and investment are very promising areas of economic growth and that green technologies and ecological modernisation, such as improved energy efficiency, renewable energies and better waste management, can contribute to the sustainable development of the region and help reduce the negative environmental impacts of economic activity;
27. Acknowledges the important role played by the Danube Strategy in promoting a green economy, green innovation and in a larger sense research and innovation aiming at the emergence of a new, competitive low-carbon economy and more environment-friendly approaches in the development of cross-border industrial cooperation projects; urges the riparian states to give top priority to the establishment of shared hydrological and water quality testing facilities, without which many business developments cannot succeed;
28. Underlines the importance of promoting sustainable tourism in the region, noting the economic potential of the cycling trail along almost the entire Danube, and of establishing the Danube region as a European tourist destination and developing a European brand for the Danube region;
29. Supports the establishment of business development networks and non-governmental trade promotion bodies which can coordinate and promote future development opportunities and cooperation between companies – especially SMEs – research, universities and public authorities in order to enhance the potential of knowledge-based regional innovation clusters and to boost regional competitiveness;

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30. Underlines that all transport modes should be updated to EU standards and that environmentally friendly transport modes such as rail or inland waterway transport should be assigned priority where appropriate while planning the transport system of the region with full respect for all relevant elements of the EU acquis;
31. Calls on the Commission and the Member States to improve the infrastructure and economic performance of the Danube region and complete the implementation of TEN-T projects related to the Danube region in a speedy and environmentally sustainable way; taking into account the review of the TEN-T guidelines, calls on the Commission and the Member States to take into consideration the need for development of transport systems in the Danube region;
32. Emphasises three important levels of infrastructure development where the coordinated approach of the Danube Strategy could facilitate synergies: (i) the multi-modal corridor along the Danube (TEN-T priority project 18), (ii) interlinks between the Danube multi-modal corridor and neighbouring Member States (TEN-T priority projects related to the Danube region), (iii) cross-border bottlenecks on TEN-T, national and regional networks;
33. Underlines that the 'Joint Statement on the Development of Inland Navigation and Environmental Protection in the Danube River Basin' was drawn up by the International Commission for the Protection of the Danube River, the Danube Commission and the International Sava River Basin Commission and offers general advice for waterway infrastructure projects addressed both to technical planners and to other interested stakeholders who want to be involved in a waterway development planning process, and that these guidelines call for an integrated planning team to assess needs and to propose as many win-win measures as possible to improve both navigation and ecological status; recommends that the Commission respect the commitments under the Joint Statement;
34. Considers that, in line with the principle of efficient co-modality and innovation, the combination between improved inland ports and logistics, inland navigation and rail transport provides considerable economic development potential also for the EU's neighbouring countries in the Danube region and could help to reduce the transport bottlenecks;
35. Points to the need to encourage the development of clean and efficient vessels under the Seventh Framework Programme for Research and Technological Development with a particular focus on information and communication technologies and the design, eco-efficiency and equipment of vessels;
36. Underlines that, linked by the Main-Danube canal, the Rhine and the Danube directly connect eleven countries from the North Sea to the Black Sea over a length of 3 500 km and emphasises the need to extend the EUSDR 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;
37. Encourages the enhancement of the Danube's cultural environment by promoting cultural dialogue, supporting university exchange programmes and youth projects based on transnational cooperation, fostering sustainable tourism and protecting the historical and architectural heritage;
38. Highlights the vital need for cooperation in cultural projects in order to support intercultural dialogue and understanding among the countries of the Danube Region; emphasises in this regard the active involvement of young people via cultural and educational facilities in order to create multinational networks;
39. Encourages the allocation of more resources to projects and networks of projects for vulnerable groups, in particular Roma;

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40. Stresses the necessity of a coordinated approach with a view to more efficient use of all available EU funds in the countries in the Danube region so that the goals of the Strategy can be fulfilled to the best possible extent; underlines also the necessity of enough flexibility in order to allow the development of Danube Strategy-related projects within the existing Operational Programmes;
41. Encourages the development of specific provisions with the forthcoming general regulation on the Structural Funds on the basis of territorial cooperation provisions that are clear, take into account differences of administrative culture and do not impose extra administrative burdens on the beneficiaries, in order to strengthen the cooperation between countries and regions, and the development of further joint action strategies which may enhance the region's attractiveness at European and international levels and may subsequently constitute a model for cross-border and transnational cooperation;
42. Draws attention to the existing Preparatory action 'The definition of the governance model for the EU Danube Region - better and effective coordination' and calls on the Commission and the Member States to properly use its budget to finance activities relating to the definition of the governance model required by the development and implementation of the EUSDR; underlines the importance of providing the necessary technical assistance for the implementation of the actions and projects carried out in the framework of the EUSDR; considers that the costs of technical assistance should be better recognised and considered while planning the financial framework for the Strategy and that the amount provided for assistance should be available for partners if it is used for purposes and actions coordinated at macro-regional level;
43. Welcomes the announcement of the priority area coordinators for the EUSDR by the Commission on 3 February 2011; considers that from now on the countries and regions which take the lead role in priority areas of work should drive implementation of the Strategy by agreeing a work programme, identifying sources of finance, strengthening cooperation between countries and regions in that particular area and launching the most immediate actions to help the Danube region to fully exploit its economic potential and, especially, respecting the deadline for the implementation of the flagship projects in that particular area;
44. Calls on the Commission, in the context of the need to carry out an interim analysis of the implementation of the EUSDR, to prepare concrete instruments and criteria for evaluating projects based on indicators that allow comparisons to be made;
45. Calls on the Commission to analyse the first results and experiences in connection with the implementation of the EUSDR, which, together with the EU Baltic Sea Strategy, will help to map out possible sources and methods of financing for macro-regional strategies within the existing framework;
46. Calls on the Commission to regularly inform and consult the European Parliament on the status of implementation and updating of the EU Strategy for the Danube Region as well as on EU-funded projects relating to the Danube region;
47. Instructs its President to forward this resolution to the Council, the Commission, the Committee of the Regions, the European Economic and Social Committee and the other relevant institutions.
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Rule of law in Russia

P7_TA(2011)0066

European Parliament resolution of 17 February 2011 on the rule of law in Russia

(2012/C 188 E/07)

The European Parliament,

- having regard to its previous resolutions on Russia and on EU-Russia relations, in particular its resolutions of 17 September 2009 on the murder of human rights activists in Russia ⁽¹⁾, 17 June 2010 on the conclusions of the EU/Russia summit (31 May – 1 June 2010) ⁽²⁾ and 21 October 2010 on the situation of human rights in the North Caucasus (Russian Federation) and the criminal prosecution against Oleg Orlov ⁽³⁾,
 - having regard to the existing Agreement on partnership and cooperation establishing a partnership between the European Communities and their Member States, of one part, and the Russian Federation, of the other part (PCA) and to the ongoing negotiations for a new EU-Russia agreement,
 - having regard to its annual report on human rights in the world 2009 adopted in December 2010, with special reference to the Magnitsky case,
 - having regard to the EU-Russia human rights consultations,
 - having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms, the UN Declaration on Human Rights Defenders and the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms,
 - having regard to the Partnership for Modernisation launched at the EU-Russia Summit in May 2010 in Rostov-on-Don and to the commitment made by the Russian leadership to the rule of law as a fundamental basis for the modernisation of Russia,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas the European Union continues to be committed to further deepening and developing relations between the EU and Russia in accordance with the principles enshrined in the Partnership for Modernisation, based on a deep commitment to democratic principles, fundamental and human rights and the rule of law,
- B. whereas, as a member of the Council of Europe and of the Organisation for Security and Cooperation in Europe (OSCE), as well as a signatory of the UN declarations, Russia has committed itself to protecting and promoting human rights, fundamental freedoms and the rule of law,
- C. whereas several trials and judicial proceedings over the last years have cast doubt on the independence and the impartiality of the judicial institutions of the Russian Federation,
- D. whereas the second conviction of Mikhail Khodorkovsky and Platon Lebedev on 30 December 2010 in the second trial concerning Yukos assets has been questioned by the international community, including the EU,

⁽¹⁾ OJ C 224 E, 17.9.2009, p. 27.

⁽²⁾ Texts adopted, P7_TA(2010)0234.

⁽³⁾ Texts adopted, P7_TA(2010)0390.

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- E. whereas Boris Nemtsov and some 70 others were arrested on 31 December 2010 in Moscow, following an opposition demonstration,
- F. whereas independent journalists, civil society activists, lawyers and human rights defenders have often been the victims of threats and acts of violence; whereas the anti-extremist legislation and the new provisions of the law on the Federal Security Service (FSB) are unclear and, as a result, are often used to harass NGOs, religious minorities and media organisations,
- G. whereas the cases of journalists Anna Politkovskaya, Natalia Estemirova and Anastasia Baburova and the death of lawyer Sergei Magnitsky have not yet been solved by the Russian authorities,
- H. whereas President Medvedev has on many occasions pledged to reinforce the rule of law, stating that his task is to create absolutely independent modern courts that are in keeping with Russia's level of economic development,
1. Reaffirms its belief that Russia remains an important partner for the European Union in building sustainable cooperation based on democracy and rule of law;
 2. Strongly condemns the terrorist attack at Moscow's Domodedovo airport and expresses its condolences to the families of the victims and its solidarity with those wounded in the attack; underlines the need for the Russian authorities to respond to this attack in a lawful and measured way and to allow the Russian judicial system to work freely and independently to prosecute and convict those responsible for the attack;
 3. Expresses concern over reports of politically motivated trials, unfair procedures and failures to investigate serious crimes such as killings, harassment and other acts of violence; urges the Russian judicial and law enforcement authorities to carry out their duties in an effective, impartial and independent manner in order to bring perpetrators to justice;
 4. Expresses serious concern at the verdict in the recent second trial and conviction of Michail Khodorkovsky and Platon Lebedev; emphasises that serious judicial questions have been raised concerning this and previous trials against the two, and calls for an independent judicial review to be conducted in connection with the pending appeal against the verdict; demands that the Russian authorities do all in their power to improve the judicial system, in line with President Medvedev's pledges to ensure greater justice and transparency;
 5. Urges the Ombudsman of the Russian Federation to commission a review of the charges and ongoing proceedings against the 2009 laureate of the European Parliament Sakharov Prize for Freedom of Thought, Mr Oleg Orlov; recalls that no effective investigations have been carried out into the murder of Natalia Estemirova, a leading member of Memorial in Chechnya;
 6. Deplores the breaking up of peaceful rallies held on the last day of every second month in relation to Article 31 of the Russian Constitution, as well as the repeated arrests of opposition figures, as in the case of Boris Nemtsov;
 7. Encourages the Presidents of the Council and Commission, as well as the High Representative, to continue to closely follow these cases and to raise these issues in different formats and meetings with Russia, in particular during the upcoming EU-Russia Summit;
 8. Reminds the Council and the High Representative of the full array of appropriate measures they may bring to bear when faced with systematic human rights abuses and failures to uphold the rule of law;

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9. Calls on the EU and Russia to step up negotiations on a new binding and comprehensive PCA and reiterates its strong support for a broad agreement that includes the issues of democracy, the rule of law and human and fundamental rights; emphasises the importance of ensuring the effective functioning of the judiciary and strengthening the fight against corruption;
 10. Expresses concern over the considerable number of reported violations of human rights in Russia, including the right of peaceful assembly, and emphasises the importance of continuous dialogue on human rights as part of the EU-Russia human rights consultations, with a special focus on the steps taken by the Russian authorities with the aim of ensuring the safety of human rights defenders;
 11. Stresses that full respect for human rights and the rule of law will improve Russia's image and credibility in the world, in particular with regard to its relations with the European Union, which are important and should develop into a strategic partnership, given the two sides' mutual dependence and various shared interests, with special reference to political, security, economic and energy cooperation, as well as to respect for democratic principles and procedures, the rule of law and basic human rights;
 12. Calls on the Commission to urgently submit to Parliament an assessment of whether the judicial measures taken against Yukos and its executives are compatible with the requirements placed on Russia in connection with its ambition to become a full member of the WTO;
 13. Points out that Russia, as a member of the Council of Europe, has signed up to fully respecting European standards as regards democracy, fundamental and human rights and the rule of law; calls, in this regard, on the Russian authorities to comply with all the rulings of the European Court of Human Rights and to implement measures to rectify violations in individual cases, including by ensuring that effective investigations are conducted and by holding the perpetrators accountable, and to adopt general measures to implement the rulings, including by making policy and legal changes to prevent similar violations from occurring in the future;
 14. Reiterates its call for the human rights consultations to be stepped up and made more effective and results-oriented, with the Russian Ministries of Justice, the Interior and Foreign Affairs taking part in the meetings in both Brussels and Moscow and with the full involvement of the European Parliament at all levels; reminds the High Representative of Parliament's budget decision to set up a civil society forum;
 15. Calls on the Council and Commission to offer Russia practical assistance and expertise with a view to enhancing the independence of the judiciary and of law enforcement agencies and improving the ability of the judicial system to withstand political and economic pressure; emphasises the European Union's willingness to contribute to the setting up of such a judicial support programme and to the education and training, especially on human rights issues, of law enforcement personnel, prosecutors and judges;
 16. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the government and parliament of the Russian Federation, the Council of Europe and the Organisation for Security and Cooperation in Europe.
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World Bank energy strategy

P7_TA(2011)0067

European Parliament resolution of 17 February 2011 on the World Bank's energy strategy for developing countries

(2012/C 188 E/08)

The European Parliament,

- having regard to its resolution of 18 May 2010 on the EU Policy Coherence for Development and the 'Official Development Assistance plus' concept ⁽¹⁾,
 - having regard to its resolution of 13 March 2008 on the Global Energy Efficiency and Renewable Energy Fund ⁽²⁾,
 - having regard to the climate and energy package which it adopted on 17 December 2008,
 - having regard to its resolution of 1 April 2004 on the World Bank-commissioned Extractive Industries Review ⁽³⁾,
 - having regard to the 'World Development Report 2010: Development and Climate Change',
 - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas access to modern energy services is a prerequisite for poverty eradication and economic development, and whereas the right to energy means that energy services must be reliable, affordable, especially for the poor, and evenly distributed so as to bridge the gap between urban and rural areas,
- B. whereas some 1.5 billion people are currently without access to electricity, four out of five of whom live in sub-Saharan Africa and South Asia, mainly in rural areas, and whereas nearly 2.4 billion people still use traditional biomass fuels for cooking and heating, causing severe health problems and the death of 1,9 million people per year from indoor pollution, as well as environmental damage resulting from unsustainable use of natural resources ⁽⁴⁾,
- C. whereas conventional rural electrification programmes financed by the World Bank have, on the whole, failed to reach the rural poor, and whereas off-grid sustainable technologies can be particularly suitable for providing electricity services in rural areas because of their decentralised nature,
- D. whereas, according to the reference scenario in the International Energy Agency's World Energy Outlook 2008, the world's primary energy demand will increase by 45 % by 2030, and non-OECD countries will account for 87 % of that increase due to rapid economic development; whereas, in the same scenario, this rapid increase in energy demand in non-OECD countries is expected to account for some 97 % of additional CO₂ emissions,
- E. whereas the World Bank is currently preparing a new energy strategy, expected to be finalised in mid-2011, which seeks a multi-stakeholder input and of which the concept of efficient, affordable and clean energy supply for poverty reduction and economic growth is a pivotal component,

⁽¹⁾ Texts adopted, P7_TA(2010)0174.

⁽²⁾ OJ C 66 E, 20.3.2009, p. 35.

⁽³⁾ OJ C 103 E, 29.4.2004, p. 819.

⁽⁴⁾ UNDP & WHO (2008): *The Energy Access Situation in Developing Countries*, New York.

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- F. whereas in 2008 the World Bank committed itself to making half of its energy investments 'low-carbon' by 2011 ⁽¹⁾,
- G. whereas the provision of financing to the private sector by multilateral development banks (MDBs) has increased tenfold since 1990; whereas that increase is particularly marked at the World Bank's private-sector arm, the International Finance Corporation (IFC), whose total lending and investment more than doubled between 2003 and 2008,
1. Welcomes the energy strategy and recalls that it should specifically address how access to energy can help lift people out of poverty, while facilitating the shift to an environmentally sustainable energy development path; urges the World Bank to pursue an approach to private-sector development that delivers maximum benefit to the poor while tackling climate change; underlines that environmental and social factors, at both national and local community levels, must be taken into account in a comprehensive cost-benefit analysis of energy options;
 2. Notes that fossil-fuel lending continues to play a dominant role in the World Bank's overall energy portfolio, despite recent increases in lending for renewable and energy efficiency initiatives; points out that fossil-fuel investments are also taking place through financial intermediaries, and that this is not being accounted for by the Bank in its annual energy sector figures; notes also with concern that the Bank is continuing to make significant investment in coal-fired power plants, locking developing countries into coal-based energy for decades to come;
 3. Welcomes, in line with the G-20 leaders' commitments in Pittsburgh in September 2009, which were renewed in June 2010 in Toronto, the World Bank's strategic goal of phasing out lending to fossil-fuel projects by 2015;
 4. Encourages the World Bank to prioritise small-scale, local-level energy access, particularly in the least developed countries in Africa and Asia;
 5. Expresses its concern about the fact that the World Bank considers energy from large hydropower dams and from biofuels as clean energy; highlights, in particular, the warnings of the UN Food and Agricultural Organisation about the threat of biofuels to food supply;
 6. Calls on the World Bank to lead the development and implementation of innovative norms and standards in order to protect the rights of communities and ensure that they have access to and benefit from energy-sector developments regarding energy efficiency and renewable energy sources;
 7. Notes with concern that a large amount of multilateral financing provided to financial intermediaries is poorly monitored; stresses the need to define clear requirements that financial intermediaries must meet in order to be eligible for multilateral financing; takes the view that these should include having clear development objectives (beyond financial performance), as well as strong social and environmental safeguards as embodied in international protocols and treaties;
 8. Emphasises the importance of internalising the costs related to climate change; calls for the Environmental Life Cycle Costing approach to be used in the accounting process, so as to effectively evaluate the available energy alternatives;
 9. Stresses the need to diversify the energy portfolio, given the problems arising from over-reliance on one energy source for power generation, such as imported fossil fuels or hydropower (where prolonged drought means empty reservoirs that dramatically reduce generating capacity); urges the World Bank to scale up its investment in renewable energies and energy efficiency, but to refrain from investing in large hydroelectric projects, whose negative social and environmental impact resulting inter alia from greenhouse gas emissions from reservoirs must be properly assessed prior to their financing; underlines that small hydropower dams are more sustainable and economically viable than large hydropower facilities;

⁽¹⁾ World Bank Group (2008): *Strategic Framework on Development and Climate Change*.

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10. Regrets that the World Bank mainly promotes a large-scale and export-oriented energy model rather than supporting small-scale decentralised energy projects that are often more appropriate and effective in meeting basic needs in rural areas; urges the World Bank to support alternative, small-scale decentralised energy projects which take account of the needs of local communities and the economic realities of different countries, and to set specific targets and monitoring guidelines to ensure that energy lending will benefit the poor;

11. Considers that the best way to resolve potential trade-offs is to examine supply security, health, environmental and economic impacts on local communities and the development and transfer of technology needed both at national and local level in order to guarantee access to sustainable technologies and renewable energy sources;

12. Stresses the need to develop reporting and disclosure rules that allow maximum transparency; insists that the World Bank clearly identify and publicly disclose the specific development benefits before financing is committed; expresses its concern at the fact that the principle of 'free, prior, and informed consent' (FPIC), as embedded in the UN Declaration on the Rights of Indigenous Peoples, is not recognised in the IFC's performance standards framework;

13. Encourages the World Bank to focus its energy strategy on making sustainable technology projects commercial and competitive through innovative financing and institutional development programmes, in order to promote a combination of energy efficiency and renewable energy as a viable and attractive option;

14. Points out that the development of clean technologies in poor countries is linked to technology transfer, which requires the main barriers to the dissemination of green technologies in developing countries to be identified in order to address climate change, as well as though to be given to new flexibilities with regard to intellectual property rights;

15. Instructs its President to forward this resolution to the World Bank, the Council and the Commission.

Europe 2020

P7_TA(2011)0068

European Parliament resolution of 17 February 2011 on Europe 2020

(2012/C 188 E/09)

The European Parliament,

- having regard to the Commission communication entitled 'EU 2020: a strategy for smart, sustainable and inclusive growth',
- having regard to the Commission communication entitled 'Annual Growth Survey: advancing the EU's comprehensive response to the crisis',
- having regard to the Presidency conclusions following the European Council meeting of 17-18 June 2010,
- having regard to the Presidency conclusions following the European Council meetings held in March 2000, 2001, 2005, 2006 and 2007, and December 2009,

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- having regard to its resolution of 16 June 2010 on economic governance ⁽¹⁾,
 - having regard to its resolution of 20 October 2010 on the financial, economic and social crisis: recommendations concerning measures and initiatives to be taken (mid-term report) ⁽²⁾,
 - having regard to its resolution of 16 December 2010 on establishing a permanent crisis mechanism to safeguard the financial stability of the euro area ⁽³⁾,
 - having regard to Article 3 of the Treaty on the Functioning of the European Union,
 - having regard to the Council recommendation on the Broad Economic Policy Guidelines of the Member States and of the Union, adopted on 7 July 2010,
 - having regard to the Council decision on guidelines for the employment policies of the Member States,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas the Europe 2020 strategy should help Europe recover from the crisis and come out stronger, through job creation and smart, sustainable and inclusive growth based on five EU headline targets as regards promoting employment, improving the conditions for innovation, research and development, meeting our climate change and energy objectives, improving education levels and promoting social inclusion, in particular through the reduction of poverty,

Governance of the Europe 2020 Strategy should be strengthened

1. Underlines that the Europe 2020 actions are of crucial importance to the future prospects of all European citizens, delivering sustainable jobs, long-term economic growth, and social progress; fears that the Europe 2020 strategy will not be able to deliver on its promises due to its weak governance structure, and strongly urges the Council, therefore, to strengthen the Community method; reiterates the importance of integrating the EU 2020 goals into the economic governance framework and calls for the European Semester to be part of the legislative governance package, while including national parliaments and social partners at an early stage in order to foster democratic accountability, ownership and legitimacy; stresses that the achievement of Europe 2020 is essential and not optional;

2. Considers the Annual Growth Survey and the framework of the European Semester as crucial tools for an enhanced coordination of economic policies; stresses, however, that they should not replace nor diminish the importance of the existing tools provided by the Treaty, in particular the broad economic policy guidelines and employment guidelines of Member States, in which Parliament is strongly involved and consulted; underlines the need for consistency with the achievement of the five headline targets for the Europe 2020 strategy agreed by the European Council and Commission with a view to ensuring its success;

EU budget and national budgets should better reflect the ambitions of the Europe 2020 strategy

3. Stresses that the Europe 2020 strategy must close the gap between its declared ambitions, the resources available and the methodology used; calls for the next Multiannual Financial Framework (MFF) to reflect the ambitions of the Europe 2020 strategy; calls on the Commission to clarify the budgetary dimension of the Flagship Initiatives as these priority action plans cut across all policies funded through the EU budget; strongly urges the Commission to make proposals on the establishment of new own resources so as to provide the Union with real and autonomous financial resources;

4. Emphasises that Europe 2020 requires reforms and very substantial and early public and private investments in a wide range of projects; notes that these require the mobilisation of both existing and new innovative instruments and revenues;

⁽¹⁾ Texts adopted, P7_TA(2010)0224.

⁽²⁾ Texts adopted, P7_TA(2010)0376.

⁽³⁾ Texts adopted, P7_TA(2010)0491.

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5. Demands that the Commission and Member States produce a credible funding framework and that the European Council consider the funding needs as part of its economic governance review; considers that funding Europe 2020 demands a concerted set of policy initiatives, engaging European institutions, such as the EIB and the ERBD; emphasises, in addition, that private sector funding will be indispensable and requires legal frameworks that will address the long-term risks involved;

6. Is convinced that, with the right policy framework and adequate budgetary resources, agriculture and forestry can play an important role in an overall European strategy designed to secure economic recovery, while at the same time contributing to EU and global food security, preserving the rural landscape which accounts for 90 % of the EU's territory, securing environmental benefits and making an important contribution to the search for alternative energy sources;

7. Considers that a strong and well-financed cohesion policy embracing all European regions must be a key complementary element of the Europe 2020 strategy; takes the view that this policy, with its horizontal approach, is a pre-condition for a successful delivery of the Europe 2020 goals, as well as for achieving social, economic and territorial cohesion;

A bold Single Market and Small Business Act to create jobs

8. Considers that Member States should be encouraged to give the highest priority to tackling unemployment and preventing long-term exclusion from the labour market in their National Reform Programmes; believes that this should be combined with measures to ensure more job creation, better jobs and high levels of high quality employment in the medium and longer term;

9. Stresses the vital role of a holistic approach to the re-launch of the Single Market to ensure better economic performance and a strengthened social dimension while restoring confidence by putting citizens at the heart of the Single Market; believes that comprehensive guidance from the highest political level and buy-in from the European Council is crucial for success the re-launch of the Single Market;

10. Draws attention to the role that Smart Regulation can play in improving the regulatory framework in which businesses operate; believes that the proposals contained therein can help deliver a strong business environment conducive to growth and innovation, but notes that all partners in the legislative process must take responsibility for producing more effective and less burdensome regulations;

11. Expresses its disappointment that two years after the adoption of the Small Business Act the Commission is lacking in concrete actions and initiatives; urges the Commission and the Council to promote a more SME-friendly environment; calls on the Commission and Member States to promote transparent use of pre-commercial public procurement for innovative and green technologies;

12. Welcomes the Commission proposal for enhanced cooperation regarding the establishment of a European patent and calls for quick adoption by Parliament and the Council;

13. Insists that gender equality is a key target to achieve the EU 2020 ambition; calls therefore on the full participation of women in the labour market and the full inclusion of female workers into vocational training; calls also for an agenda to eradicate the existing pay gap between women and men;

Flagship initiatives

General remarks

14. Stresses that the current content of the Europe 2020 strategy, such as the headline targets, flagship proposals, bottlenecks and indicators remain of a very general nature; underlines that this set of initiatives could only be achieved through concrete commitments from Member States in their National Reform Programmes and concrete and consistent legislative proposals;

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Flagship 'Innovation Union'

15. Welcomes the flagship initiative on 'Innovation Union' as a key driver to achieve Europe 2020 objectives, which addresses the major societal challenges like energy and food security, climate change, health and an ageing population; recalls that the 3 % target is composed of a 2 % (private expenditure) share and a 1 % (public expenditure) share; notes that there are still particular shortcomings in the field of private research spending which can only be overcome by adapting the regulatory environment for companies, including SMEs; welcomes, therefore, the Commission's intention to improve framework conditions for business to innovate, in particular with respect to intellectual property rights;

16. Stresses the need to enhance, stimulate and secure the financing of research, innovation and development in the EU via a significant increase in relevant expenditure post 2013; points to the importance of access of SMEs to the FP and CIP; calls for a revised Financial Regulation to facilitate SME applications; highlights the lack of funding for crucial instruments for research, innovation and deployment that have already been adopted, such as the Strategic Energy Technology Plan (SET-Plan); emphasises the important contribution which the Research Framework Programme makes in fighting climate change; points to the important contribution which structural funds are making in stimulating research, development and innovation at national and regional level; stresses the need to create synergies between structural funding and FP funding;

17. Believes that it is not subsidies that innovative European companies need, but more freedom and better access to venture capital; considers that the European Union should accommodate this need by expanding the permanent risk-sharing products offered by the European Investment Bank via the Risk Sharing Finance Facility (RSFF); considers that there is significant untapped potential for promoting innovation via public procurement;

Flagship 'Youth on the Move'

18. Welcomes the initiative of the flagship 'Youth on the Move'; insists that quality of and access to relevant education is a constant prerequisite for a sustainable social market economy; underlines, consequently, that, if Member States aim to achieve the common targets of economic development and those set for education, proper investment will be crucial in their educational and training systems, including in vocational education and training; regrets, however, that the flagship leaves core subjects, such as participation in society or youth poverty, unaddressed; calls for stronger proposals on inclusion;

19. Calls on the Commission to continue to adequately fund existing mobility and youth programmes such as Lifelong Learning (Erasmus, Leonardo, Comenius, Grundtwig), Youth in Action and Marie Curie; believes that this would make an important contribution to the fight against youth unemployment and towards reach a 75 % employment rate;

20. Underlines that Youth on the Move cannot alone tackle the alarming youth unemployment all over Europe; calls for all Member States to set up, as part of their National Reform Programmes, a national strategy to tackle youth unemployment and secure young people access to education and training; underlines that youth policies must be seen in connection with policies on education, employment and social inclusion; strongly supports the proposal for a Council Recommendation on a European Youth Guarantee and urges the Council to adopt it as soon as possible;

Flagship 'A digital agenda for Europe'

21. Welcomes the ambitious proposals on the 'Digital Agenda', but urges the Commission to speed up the adoption of proposals related to the digital single market, such as e-commerce, intellectual property, trust & security online, roaming and e-authentication; calls on all parties to make the first radio spectrum policy a reality; emphasises the need to develop the free circulation of content and knowledge, the 'fifth freedom';

22. Stresses that pluralist and independent media are a pillar of European democracy; urges the Commission to safeguard media pluralism; believes that protection of privacy constitutes a core value and calls for the adaptation of the Data Protection Directive to the current digital environment to make sure that all citizens have control of their personal data;

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Flagship 'Resource-efficient Europe'

23. Welcomes the Europe 2020 flagship initiative on a resource-efficient Europe and urges the Commission to continue its work on formulating concrete policies to ensure a switch to a resource-efficient and renewable-based economy; calls on the Commission to develop concrete benchmarks and to ensure that agreed targets are met and that they can be monitored within the framework of the Europe 2020 European Semester of policy coordination; underlines the urgent need to modernise and upgrade the European energy infrastructure, to develop smart grids and build interconnections, which are necessary for realising the internal energy market, enhancing security of supply, and to meet our energy and climate targets and speed up authorisation procedures;

24. Recalls that energy efficiency is the most cost-effective way to reduce emissions, improve energy security and competitiveness and reduce consumers' energy bills, as well as create employment; stresses that Member States are not showing enough efforts to reach the 20 % energy efficiency target; calls on Member States, therefore, to step up measures and live up to this vital target to which they committed themselves in 2007; asks the Commission together with Member States to work out measures to ensure that the target is met as demanded by Parliament in its resolutions on the 'Revision of the Energy Efficiency Action Plan' (Bendtsen report) and 'Towards a new Energy Strategy for Europe 2011-2020' (Kolarska Bobinska report);

25. Regrets that this flagship communication does not attribute enough importance to resource efficiency as an overarching EU policy priority; insists that the EU needs to start moving towards a recycling economy, ensuring reduction in waste production, and the value of reusing resources; stresses that environmental sustainability depends on a reduction in resource use; calls on the Commission to come up with a set of indicators so that they can be monitored in the National Reform Programmes;

Flagship 'An industrial policy for the globalisation era'

26. Calls for a holistic, balanced and forward-looking approach to EU industrial policy, aimed at developing a strong, competitive, coherent, efficient and diversified industrial base and where innovation, research, competition, Single Market, trade and environmental policies are coordinated; considers that key objectives should be to promote job creation and the international competitiveness of European enterprise, intelligent restructuring and dialogue with employees, a sustainable economy and free choice in technology options and mobility of researchers; calls for immediate application of smart regulation principles in independent impact assessments, including 'competitiveness proofing' for new legislation, an SME test to ensure a more friendly regulatory environment for small business and reduced administrative burdens, sustainability proofing in line with EU climate, energy, resource efficiency and recycling objectives, and ex-post 'fitness checks' for existing legislation;

27. Stresses that EU transport and energy policies covering infrastructure and services are key to achieving Europe 2020 objectives; stresses that the transport sector will ensure that the EU market keeps its position as a highly qualified production area, through the decarbonisation of all transport modes, the implementation of the Single European Railway Area and the completion of the Single European Sky; calls for an effective European Raw Materials Strategy to improve accessibility, energy and resource use efficiency while securing critical materials through the development of FTAs and strategic partnerships; calls for significantly improved access to finance in innovation and infrastructures, notably for smart grids, green technologies, e-health, the Trans-European Networks (TEN) and projects with proven added value which cannot be financed by the market; calls, in this respect, for steps to be taken to explore the opportunities offered by Project Bonds;

Flagship 'An agenda for new skills and jobs'

28. Highlights the fact that strong social protection systems prevent long-term exclusion; insists that investment in active labour market policies, education and training opportunities for all to acquire new skills are essential to reduce unemployment; stresses the importance of SMEs and the relaunch of the Single Market in this respect; supports, in particular, the implementation of the European qualifications framework and the planned legislative initiative reforming the professional qualifications to ensure mutual recognition of professional qualifications;

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29. Welcomes the 'Agenda for New Skills and Jobs'; notes that flexicurity has been successfully implemented in certain countries, but warns that flexicurity concepts cannot deploy their potential in Member States with low possibilities of strengthening social protection systems due to budget restrictions and macroeconomic imbalances, and considers that reducing labour market segmentation must be achieved by providing adequate security for workers under all forms of contracts, especially vulnerable groups; reminds the Commission not to neglect the need to ensure a socially just transition to a more sustainable labour market and the huge potential of sustainable jobs; stresses that any labour market reforms can only be successfully introduced by reaching a high degree of social consensus through agreements with the social partners;

Flagship 'European platform against poverty and social exclusion'

30. Recalls that the Europe 2020 strategy includes a target to lift at least 20 million people who are in, or at risk of, poverty and social exclusion out of this state; urges the Commission and the Council to ensure full compliance with the Charter of Fundamental Rights and the Horizontal Social Clause (Article 9 TFEU) in order to ensure that all policies contribute to rather than undermine that poverty-reduction goal;

31. Calls on Member States to be committed to tackling child poverty through appropriate measures so that children are not restricted in their personal development and are not underprivileged when entering professional life;

32. Welcomes the proposals for a European Platform against Poverty and Social Exclusion, but calls for more concrete actions to deliver social inclusion, in particular by strengthening the Social Open Method of Coordination, as an integrated strategy involving national and local stakeholders, including people who experience poverty and social exclusion; reiterates its call for a broader agenda to promote decent work, ensure workers' rights throughout Europe and improve working conditions, tackle inequality and discrimination, and combat in-work poverty;

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

Implementation of the guidelines for the employment policies of the Member States

P7_TA(2011)0069

European Parliament resolution of 17 February 2011 on implementation of the guidelines for the employment policies of the Member States

(2012/C 188 E/10)

The European Parliament,

- having regard to its position of 8 September 2010 on the proposal for a Council decision on guidelines for the employment policies of the Member States: Part II of the Europe 2020 Integrated Guidelines ⁽¹⁾,
- having regard to the Communication from the Commission of 12 January 2011 on the Annual Growth Survey: advancing the EU's comprehensive response to the crisis (COM(2011)0011), and the Draft Joint Employment Report annexed thereto,

⁽¹⁾ Texts adopted, P7_TA(2010)0309.

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- having regard to the Commission proposal for a Council decision on guidelines for the employment policies of the Member States of 12 January 2011 (COM(2011)0006),
 - having regard to Council Decision 2010/707/EU of 21 October 2010 on guidelines for the employment policies of the Member States ⁽¹⁾,
 - having regard to Article 148 of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas, following the adoption of the Annual Growth Survey, the Commission proposed that the employment policies guidelines adopted in 2010 should be retained for 2011,
- B. whereas the current economic crisis continues to pose challenges in the form of increasing unemployment and social exclusion,
- C. whereas there is a strong interrelationship between economic recovery and growth, employment, the fight against poverty and social inclusion,
- D. whereas the European Employment Strategy and the guidelines for the employment policies of the Member States are among the main instruments designed to steer EU and Member State policies towards efforts to achieve the Europe 2020 objectives and targets,
- E. whereas there is an urgent need to step up efforts at all levels, with the involvement of social partners and other stakeholders, to ensure that the employment guidelines are properly implemented, with a view to increasing labour market participation, developing a skilled workforce, and improving the quality and performance of education and training systems,

Strengthen governance and raise ambitions in pursuing the Europe 2020 goals

1. Considers that, in the light of the Commission's proposal to retain the employment policy guidelines adopted in 2010 for 2011, the recommendations on the National Reform Programmes have become the main macroeconomic surveillance and orientation tool; deplores the failure to involve Parliament in this process and the lack of debate concerning it;
2. Considers that the major challenges faced by the EU and the Member States with regard to employment and unemployment should also be duly reflected in the future process on macroeconomic imbalances, within the policy framework of the European employment guidelines;
3. Considers that the Annual Growth Survey and the framework provided by the European Semester are crucial tools for the enhanced coordination of economic policies and, therefore, an important part of the Union's response to the crisis; notes, however, that these tools should be employed in a manner consistent with the need for democratic processes and support, and not serve to replace or diminish the importance of the existing tools provided for under the Treaty, in particular the broad economic policy guidelines and the guidelines for the employment policies of the Member States, with which Parliament must be closely involved and, on the latter, consulted; calls for these tools to be integrated into the framework of the European Semester and for particular attention to be paid to ensuring that their importance does not diminish, with a view to delivering on the Commission and Council's stated objective of increasing ownership and democratic accountability;
4. Calls on the Council and the Commission, when providing policy advice to Member States, to respect the principles of subsidiarity and social dialogue in the field of wages and pensions as well and, in keeping with Article 153(5) TFEU, to respect the competences of the Member States and social partners, in accordance with national practices, in these areas;

⁽¹⁾ OJ L 308, 24.11.2010, p. 46.

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5. Urges the European Council, the Council and the Commission to ensure that the Europe 2020 strategy and the strengthened European economic governance system are effective and democratically legitimate; emphasises that this makes the genuine and timely involvement of Parliament throughout the surveillance and policy coordination procedures essential; deplores the lack of a reference to Parliament's role in the process in the timeline proposed in the Annual Growth Survey;
6. Calls on the Member States to involve more closely and regularly consult the national parliaments, the social partners, regional and local authorities and civil society; considers that the current lack of information on the consultation procedures in the National Reform Programmes should be addressed;
7. Notes the preliminary indication of the Member States' national employment targets; expresses deep concern at the lack of ambition in this regard, and in particular at the fact that in the best-case scenario the estimated collective outcome would fall short, by more than 2 percentage points, of the EU headline target and the commitment to reach an employment rate of 75 % by 2020;
8. Calls on the Member States to reconsider their national employment targets, so that the EU headline target can be met, and to take these targets as seriously as their fiscal consolidation ones;
9. Calls, further, on the Member States to pay special attention to, and set national targets for, specific sub-groups, such as young people, women, people with disabilities and older workers;
10. Calls on those Member States which have not yet done so to set their national targets on social inclusion and the fight against poverty and to address the increasing problem of the working poor; invites the Member States, when doing so, to ensure that the ambitious target agreed by the European Council is met and that interaction between the targets, especially those on employment and education and training and on social inclusion and poverty, is duly taken into account;

Ensure that the employment guidelines are implemented

11. Notes that weak economic growth prospects limit the possibilities for job creation and employment;
12. Calls on the European Council not to make employment issues secondary concerns when considering the Commission's recommendation in the Annual Growth Survey to make rigorous fiscal consolidation the first priority for the 2011/2012 period;
13. Emphasises the urgent need for the Member States to step up their efforts to deliver in all priority areas, including increasing employment levels and reducing unemployment, exploiting the job potential of a new low-carbon economy, developing a skilled workforce, promoting job quality and lifelong learning, and facilitating the work-life balance; considers that these efforts should be reflected in the final National Reform Programmes;
14. Emphasises, in this context, the importance of the Structural Funds, and in particular the European Social Fund, in counteracting the effects of the crisis on employment; considers that the use of these Funds should be geared to supporting the groups with most severe difficulties in entering or remaining on the labour market;
15. Considers also that, in addition to the implementation of more effective labour market measures, closer interaction between employment, social and other policy areas, in particular macroeconomic, R&D and innovation, education and training policies, is essential if the Europe 2020 goals are to be met;

Step up action to deliver on more and better jobs

16. Calls on the Member States, in their National Reform Programmes, to give the highest priority to increasing labour market participation, tackling unemployment and preventing long-term exclusion from the labour market;

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17. Considers that much more emphasis must be given to job quality and decent work and to supply side-oriented economic policies in an effort to boost demand on the labour market;
18. Considers, in that connection, that efforts are needed to make better use of the potential of younger people, including early school leavers, women, the elderly, disadvantaged and disabled people, migrants and members of ethnic minorities, including the Roma; calls on the Member States to adapt their labour markets to the needs and skills of these groups at every stage of their lives;
19. Stresses the importance of policies facilitating the transition of young people from school to work; stresses that the risk that early school leavers will face poverty is predictably high; emphasises that any flexible or temporary forms of work used in this context should incorporate the right to training and access to social security and should help people make the transition into more secure employment;
20. Calls on the Member States to continue developing the policies needed to bring more women on to and keep them on the labour market, including by improving the provision of affordable and high-quality care facilities and flexible working arrangements to meet the needs of family carers;
21. Emphasises the importance of targeted activation and skills policies in supporting those with low or no qualifications who have been the hardest hit by the crisis and face the highest risk of long-term unemployment;
22. Urges the Member States to attach due importance to the provision of high-quality education and training and to lifelong learning and the recognition of qualifications;
23. Calls on the Member States to invest more in facilitating occupational and geographical mobility, enhancing the tools needed to analyse labour markets needs and reforming the education and training systems which can help to overcome skills mismatches;
24. Emphasises the importance of employment policies that contribute to job creation, for example through support for SMEs and self-employment and the promotion of entrepreneurship;

Act decisively to deliver in fighting poverty and social exclusion

25. Considers it essential that Member States take action now to deliver on the commitments made to increase employment levels, improve people's skills, create job opportunities, reduce poverty and enhance social inclusion;
26. Emphasises that social protection systems have played an acknowledged role in stabilising the economy and cushioning the social impact of the crisis; calls, therefore, on the Member States, in particular when fiscal consolidation is required, to make sure that social protection systems continue to provide adequate support and play their part in safeguarding and improving skills and employability, so that human capital can be preserved and enhanced and full advantage taken of the recovery;
27. Emphasises that more effective exchanges of best practice and experience between Member States in the area of the fight against social exclusion and poverty reduction are vital and would help to facilitate the achievement of the Europe 2020 poverty reduction targets;

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28. Instructs its President to forward this resolution to the Council and Commission.
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Rising food prices

P7_TA(2011)0071

European Parliament resolution of 17 February 2011 on rising food prices

(2012/C 188 E/11)

The European Parliament,

- having regard to Article 39 of the Treaty on the Functioning of the European Union,
 - having regard to its resolution of 18 January 2011 on recognition of agriculture as a strategic sector in the context of food security ⁽¹⁾,
 - having regard to its resolution of 7 September 2010 on fair revenues for farmers: A better functioning food supply chain in Europe ⁽²⁾,
 - having regard to its resolution of 8 July 2010 on the future of the Common Agricultural Policy after 2013 ⁽³⁾,
 - having regard to its resolution of 5 May 2010 on EU agriculture and climate change ⁽⁴⁾,
 - having regard to its resolution of 26 March 2009 on Food Prices in Europe ⁽⁵⁾,
 - having regard to the proposal for a regulation of the European Parliament and of the Council establishing a facility for rapid response to soaring food prices in developing countries (COM(2008)0450),
 - having regard to the eight recommendations to the G20 published by the United Nations Special Rapporteur on the right to food on 29 January 2011,
 - having regard to the communication from the Commission on tackling the challenges in commodity markets and on raw materials of 2 February 2011 (COM(2011)0025),
 - having regard to the Maputo Declaration on Agriculture and Food Security signed in 2003, in which African governments committed themselves to allocate a minimum of 10 % of their annual national budgets to agriculture,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas food prices have peaked for the seventh consecutive month between 2010 and 2011, reaching the highest levels since the FAO started measuring food prices in 1990; whereas commodity price hikes have become a destabilising factor in the global economy and sparked riots and unrest in a number of developing countries and most recently in Algeria, Tunisia and Egypt,
- B. whereas the Food and Agriculture Organization (FAO) estimates that the number of undernourished people in the world reached 925 million in 2010 and rising food prices coupled to unpredictable shortages of supply may cause this number to increase; whereas 29 countries in the world face food supply difficulties and are in need of external food assistance,

⁽¹⁾ Texts adopted, P7_TA(2011)0006.

⁽²⁾ Texts adopted, P7_TA(2010)0302.

⁽³⁾ Texts adopted, P7_TA(2010)0286.

⁽⁴⁾ Texts adopted, P7_TA(2010)0131.

⁽⁵⁾ OJ C 117 E, 6.5.2010, p. 180.

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- C. whereas recent food and commodity price volatility has raised serious concerns about the functioning of the European and global food supply; whereas the increase in food prices has hit the most vulnerable populations and countries hardest, both in developed and developing countries; whereas high food prices are driving millions of people into food insecurity, threatening long-term global food security; whereas, according to the FAO, food security includes the right to food and the accessibility of healthy nutrition for all,
- D. 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; whereas food security is a central issue for Europe and requires coordination between various sectoral policy areas at EU level and beyond, namely the CAP, energy policy, research, development and trade,
- E. whereas the global economic downturn and rising food and fuel prices have worsened the food situation in many developing countries, especially the least-developed countries (LDCs), thus partly setting back the progress of the last decade on poverty reduction,

Factors contributing to rising food prices

- F. whereas sufficient global food production can be regularly undermined by a range of factors including extreme weather events such as floods and droughts, increasingly driven by climate change; limited availability of natural resources and the growing demand for food from rising populations; close links between energy and food security against the background of a very low level of global food stocks; growing production of biofuels, increased feeding of grain to livestock; increased speculation on food commodities; growing dependency on food imports in many developing countries due to conflicts or failed food security policies,
- G. whereas the impact of climate change on farming, mainly the reduction of crop yields because of repeated water shortages, droughts, or, in contrast, floods and landslides, seriously affects agricultural activities in the EU and developing countries, both falling significantly short of self-sufficiency in numerous agricultural commodities,
- H. whereas the challenge is to produce 'more from less', with an emphasis on sustainable production, due to pressure on natural resources; whereas strengthening agricultural production in developing countries will increase resilience and adaptability to food shocks,
- I. whereas the recent volatility has raised concerns about the functioning of the European and global food supply chains; whereas the Commission's communication entitled 'A better functioning food supply chain in Europe' (COM(2009)0591) identifies serious problems in the supply chain such as abuse of dominant buyer power, unfair practices in contracting (including late payments), unilateral contractual modifications, advance payments for access to negotiations, restricted market access, lack of information on price setting and the distribution of profit margins throughout the food chain, closely linked to increased concentration in the input, wholesale and retail sectors; whereas the entire supply chain must be taken into account when analysing food prices and their evolution; whereas the food sector is fragmented and the supply chain is long and highly complex, comprising many intermediaries,

Price volatility, farmers' income, aid to developing countries

- J. whereas fluctuations in commodity prices may become a more pronounced and regular feature of the global market; whereas higher food prices do not automatically translate into higher farm incomes, mainly due to the speed at which farm-input costs increase and the growing divergence between producer and consumer prices; whereas the share of farmers' income from the food supply chain has substantially dropped, while the profits of processors and retailers have constantly increased; whereas consumer prices have increased; and whereas at least 30 % of all food produced globally is wasted at different points along the food chain,

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- K. whereas the share of aid to the developing world going to agriculture and rural development has fallen dramatically over the past three decades; whereas investment in sustainable food systems in developing countries has declined due to a shift in priorities for export-oriented production, further weakening local capacities to produce and distribute sufficient food at fair prices; whereas many developing countries are not realising their food production potential; whereas a serious obstacle to increased agricultural output in developing countries is that small farmers often lack access to microcredit for investment, sometimes owing to the fact that they do not own the land,
- L. whereas large tracts of land, particularly in the developing world, have been purchased by international companies, frequently without the consent of the landholders; whereas this land is not always used for food production, but can be used for the production of export commodities like timber; whereas such developments threaten the food production potential of developing countries,

The need to improve food security

1. Affirms that global food security is a question of the utmost urgency for the EU and the developing world and calls for immediate and continual action to ensure food security for EU citizens and at global level; stresses that food should be available to consumers at reasonable prices, while at the same time a fair standard of living for farmers should be ensured;
2. Stresses that the right to food is a basic and fundamental 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;
3. 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 in meeting the food security challenge; emphasises the importance of the CAP as a means to secure food production in the EU;
4. Affirms that the EU has a duty to ensure food security for 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;

Challenges of climate change

5. 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, which will diminish the natural resource and agricultural production yields; is concerned about the unilateral actions taken by countries or regions impacted by climatic events and the knock-on effects of such measures on world markets; calls on the Commission to closely monitor implementation of climate change-related legislation in Member States; stresses the urgent need for climate change mitigation actions and adaptation measures aiming at increasing environmental and economic sustainability; urges Member States to set up adequate risk prevention and management measures to limit negative consequences of natural disasters for agricultural production;
6. Calls for coordinated action and better cooperation on climate change between the EU and developing countries, particularly technology transfer and capacity building; emphasises that combating climate change must be mainstreamed into all relevant EU policies, including development cooperation, and that training should focus on climate adaptation and good land stewardship practices, such as soil and water management, to prevent the loss of farmland due to soil erosion or salinisation;

Improved development aid

7. Points out that agriculture is a key sector in most developing countries, heavily dependent on primary commodities, which are particularly vulnerable to price fluctuations;

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8. Calls on the EU to support rural development, increasing investment in farming and food security, and taking particular account of urgent hunger needs, small-scale farming and social protection programmes; highlights the importance of developing agriculture in the developing world and of allocating an appropriate share of EU overseas development aid 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;

9. Calls on the Commission to prioritise agriculture in targeted, accountable, effective and transparently managed development aid, including assistance to farmers in accessing markets; calls for significant increases in the amount of development aid going to agriculture, and for investment in training, improved extension services and decentralised research in agriculture for developing countries, so that farmers will be equipped with sustainable techniques to produce more efficiently while protecting their environment to ensure long-term food security, assisted by adequate public support, such as access to loans, non-profit micro-credit and seeds;

10. Calls on the EU and developing countries to promote land ownership as a tool for reducing poverty and guaranteeing food security, by strengthening property rights and facilitating access to non-profit micro-credit for farmers, small businesses and local communities; stresses the importance of new investments in enhancing the capacities of small farmers, more efficient water management technologies and restoration of soil nutrients;

11. Points out that it is necessary to introduce better agricultural production methods in developing countries, including low-cost technologies, provide research in agriculture, and increase productivity, in order to enhance sustainability and mitigate the negative effects of food insecurity;

12. Points out that humanitarian food assistance should match the needs, challenges and structural constraints in developing countries; in this respect underlines that it is important that food assistance should take into account the local production, distribution, transport and marketing capacities of these countries, contributing to building the bases for their long-term food security;

Producers' income and access to inputs

13. Notes that among the factors that most influence the price transmission mechanism and the gap between consumer and producer prices are: increasing concentration along the food supply chain, the degree of product processing, price rises linked to other external cost factors and speculation in agricultural commodities;

14. Notes that farm input costs are rising faster than agricultural commodity prices; is concerned that this could result in reduced farm output, which would exacerbate the food crisis in the EU and in the world; stresses that concentration in the input sector has devastating effects on the sustainability of farming, fostering dependency on a limited number of corporations for the purchasing of seeds and specialised fertilizers; calls on the Commission to ensure, in the context of increased consolidation, that a freely operating market functions in the input sector, contributing to food supply;

15. Expresses concern about low farm incomes in the EU; affirms that decreased incomes due to rising production costs and price volatility impact negatively on farmers' ability to maintain production and that as a result farmers do not benefit from increased food prices; firmly believes that food security will be compromised if these issues are not sufficiently addressed;

Food and energy production

16. 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 in the main oil-dependent; encourages measures that incentivise farmers to become more energy-efficient and develop alternative energy supply sources; calls on the EU and national governments to launch campaigns and put into place structural changes to minimise food waste;

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17. 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;

Research

18. Emphasises the importance of publicly funded research which serves to promote food security; calls for investment in research not only into new technologies but also into comprehensive and sustainable farming systems which will serve the aim of long-term food security; stresses in this connection the pioneering role which could be played in this field, for example, by an EU technology platform for ecological agricultural research;

Transparency on commodity markets and action against speculation

19. Welcomes the current attempts to raise awareness of food-commodity price formation mechanisms at international level (in particular the initiative of the G20 French Presidency, and the 3rd Berlin Agriculture Ministers' Summit); asks the Commission to seek greater clarity on all the factors that affect short- and long-term food commodity price fluctuations, in particular the extent of the interaction between all forms of speculation and fluctuations in the prices of agricultural commodities, as well as the linkage between energy markets and food prices; considers that such a thorough economic analysis of food price formation mechanisms at play will better enable EU decision-makers to take informed and adapted measures to mitigate the effects of food price fluctuations;

20. Notes the Commission Communication on challenges in commodity markets and raw materials and welcomes the Commission's attention to the issue thus far; asks the Commission to establish better information flows providing timely and quality data on market developments, taking into account the issue of stock dislocation; stresses, however, that improved information flows alone are not a solution to addressing volatility in markets; believes a stronger approach to tackling the issue may be necessary, particularly with regard to increasing transparency in commodity markets; 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 forward-plan at times of extreme volatility; urges the Commission to introduce effective 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;

21. Stresses that it is not possible to take effective action against major price fluctuations without adequate levels of intervention stocks or strategic stocks; considers, therefore, that the role of market intervention instruments must be a key part of the future CAP;

22. Asks for greater transparency, better quality and timeliness of information on food commodity reserves and stocks, and price formation at international level, as requested in the recent Commission Communication on tackling the challenges in commodity markets and on raw materials; asks the Commission to take the necessary steps to fight against the excesses of speculation on commodity markets; stresses that those steps should be taken as part of the efforts to regulate the financial markets at global and EU level;

23. Urges the G20 to coordinate the creation of preventive mechanisms against the excessive fluctuation of prices and to work towards regulation, specifically designed to tackle food and agricultural crises; calls on the G20 to ensure convergence of food and agricultural commodity regulation and to involve countries that are not part of the G20; asks for solutions to address excessive price volatility to be coordinated at international level; requests that abuses and manipulations of agricultural prices be fought at international level, as they potentially put at risk global food security; condemns the abusive activities of speculators in global commodities, agricultural raw materials and energy that accentuate the volatility of food prices and deepen the global food crisis;

24. Calls on the Commission to include adequate proposals in the upcoming reviews of the Markets in Financial Instruments Directive (MiFID) and the Market Abuse Directive to address the concerns in food and agricultural commodity markets;

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25. 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, while at the same time speculation should not be allowed to threaten otherwise efficient agricultural holdings;

26. Underlines the important role currently foreseen for the European Securities and Markets Authority (ESMA) in overseeing commodity markets; invites the Commission to reflect upon the possibility of giving ESMA more powers to prevent manipulation and abuses in commodity markets;

27. Is in favour of bolder European action to tackle the problem of price manipulation, including through a mandate issued to regulators and oversight bodies to restrict abusive speculation; believes that commodity derivatives are different from other financial derivatives; 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;

28. Considers that a targeted global system of decentralised regional and local food stocks (both emergency stocks to reduce hunger and regional stocks to be used to regulate commodity prices and to ease hunger in times of price spikes) 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 on the most appropriate levels, including by local, regional and national authorities and a coordination body under the aegis of the United Nations' FAO, making full use of the experience gathered by the FAO and the UN World Food Programme;

Trade

29. Demands that EU negotiators integrate non-trade issues as part of WTO negotiations, so as to ensure that agricultural imports from third countries provide European consumers with the same guarantees in terms of environmental protection, animal welfare, food safety and quality as provided by EU farmers; reaffirms its support for a balanced and timely agreement to be reached at WTO level, as an essential element in attaining global food security; recalls in this context that unreasonable unilateral barriers to trade contribute to the inefficiency of global food supply; asks the Commission to ensure that international and bilateral trade agreements provide European farmers with a sustainable future and preserve EU food production, small-scale farming and global access to food from being put at risk;

30. Calls for national governments, in line with the FAO recommendations, not to adopt export restriction measures, as they provoke greater uncertainty in the markets and disrupt world markets, and therefore have the potential to drive prices up further at global level;

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

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Border clashes between Thailand and Cambodia

P7_TA(2011)0072

European Parliament resolution of 17 February 2011 on the border clashes between Thailand and Cambodia

(2012/C 188 E/12)

The European Parliament,

- having regard to its resolutions of 13 January 2005 ⁽¹⁾, 10 March 2005 ⁽²⁾, 19 January 2006 ⁽³⁾, 15 March 2007 ⁽⁴⁾ and 21 October 2010 ⁽⁵⁾ on Cambodia and its resolutions of 20 May 2010 on Thailand ⁽⁶⁾ and of 1 December 2005 on the human rights situation in Cambodia, Laos and Vietnam ⁽⁷⁾,
 - having regard to the judgment of the International Court of Justice of 15 June 1962 in the case concerning the temple of Preah Vihear (Cambodia v. Thailand),
 - having regard to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which has been signed by both Thailand and Cambodia,
 - having regard to the statement by the Secretary-General of ASEAN of 5 February 2011,
 - having regard to the statement by the EU High Representative for Foreign Affairs and Security Policy, Catherine Ashton, of 7 February 2011,
 - having regard to the statement by the UN Secretary-General, Ban Ki-moon, of 7 February 2011,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas, since the beginning of February 2011, there has been fighting between the armed forces of Thailand and Cambodia on the Cambodian-Thai border, including near the temple of Preah Vihear,
- B. whereas the border clashes started after a Cambodian court sentenced two Thai nationals to up to eight years' imprisonment, having found them guilty of espionage and illegal entry after they crossed into the disputed border area in December 2010, and whereas the sentence immediately followed the successful conclusion of the seventh meeting of the Joint Commission for Bilateral Cooperation between Thailand and Cambodia (JC), on 3-4 February 2011, at which both countries had agreed to extend cooperation in all areas and to hold a meeting of the Joint Commission on Demarcation for the Land Boundary (JBC) in Thailand in the near future,
- C. whereas the temple of Preah Vihear has been the centre of recurring boundary disputes between Thailand and Cambodia over the last century,
- D. whereas the International Court of Justice ruled on 15 June 1962 that the temple of Preah Vihear is situated in territory under the sovereignty of Cambodia,

⁽¹⁾ OJ C 247 E, 6.10.2005, p. 161.

⁽²⁾ OJ C 320 E, 15.12.2005, p. 280.

⁽³⁾ OJ C 287 E, 24.11.2006, p. 334.

⁽⁴⁾ OJ C 301 E, 13.12.2007, p. 258.

⁽⁵⁾ Texts Adopted, P7_TA(2010)0389.

⁽⁶⁾ Texts Adopted, P7_TA(2010)0195.

⁽⁷⁾ OJ C 285 E, 22.11.2006, p. 129.

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- E. whereas the temple of Preah Vihear, which was listed by UNESCO as a World Heritage site on 7 July 2008, has allegedly been damaged by shelling during the recent border clashes,
 - F. whereas the international community has a special responsibility to preserve the monuments on the UNESCO World Heritage list,
 - G. whereas reports state that there have been fatal casualties and injured soldiers and civilians on both sides, and that thousands of civilians in the surrounding area have had to be evacuated,
 - H. whereas, according to several news reports, cluster munitions may have been used, and whereas neither Thailand nor Cambodia has ratified the Convention on Cluster Munitions,
 - I. whereas the worsening of the situation on the border between Thailand and Cambodia is threatening peace and stability in the region,
 - J. whereas Indonesia, the current chair of ASEAN, has stepped up its diplomatic efforts to help the two sides reach a temporary solution so as to trigger bilateral mechanisms for realising the objectives of border demarcation and general peace in the area; whereas the chair of ASEAN is encouraging the two countries to hold talks under the existing framework of the Thai-Cambodian Joint Commission on Demarcation for the Land Boundary,
 - K. whereas the ASEAN Charter provides for the establishment of a dispute-settlement mechanism that would increase the scope for assisting in the resolution of bilateral disputes,
 - L. whereas the Director-General of UNESCO, Irina Bokova, has expressed her intention to send a mission to assess the state of the Preah Vihear temple,
1. Condemns the border clashes between the armed forces of the Kingdom of Cambodia and the Kingdom of Thailand and urges all parties to exercise the utmost restraint and take the steps necessary to reduce tension, to resume their dialogue with a view to resolving their differences peacefully, and to accept the assistance of ASEAN and the United Nations;
 2. Deplores the loss of life during the recent border clashes and expresses its sincere condolences to the families of the victims;
 3. Urges both governments to ensure that the civilians displaced as a consequence of the armed clashes are provided with the aid they need;
 4. Calls on both countries to respect the 1962 judgment of the International Court of Justice and to reach a peaceful settlement of the dispute regarding the border area close to the Preah Vihear temple;
 5. Calls on both countries to ensure that their actions do not violate Article 4(1) of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which forbids any use of cultural property situated within their own territory, or within the territory of other High Contracting Parties, which is likely to expose it to destruction or damage in the event of armed conflict, and to refrain from any act of hostility directed against such property;
 6. Calls on the Thai and Cambodian authorities to comply with the Treaty of Amity and Cooperation in Southeast Asia and, in particular, with its fundamental principles on the settlement of differences or disputes by peaceful means, renunciation of the threat or use of force, and effective cooperation among the High Contracting Parties;

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7. Welcomes the efforts undertaken by Indonesian Foreign Minister Marty Natalegawa, as ASEAN chair, to facilitate dialogue between the two countries so that the dispute can be resolved in a peaceful manner;
8. Welcomes the fact that Thailand and Cambodia have agreed to participate in an urgent meeting of South-East Asian nations to discuss the border conflict;
9. Welcomes the decision by the Director-General of UNESCO to send a special envoy on a mission of good offices to Bangkok and Phnom Penh; urges both sides in the dispute to cooperate with any UNESCO mission to assess the damage caused to the Preah Vihear temple;
10. Calls on both countries to find a solution that will allow direct access from their respective territories to the Preah Vihear temple, and not to obstruct one another's citizens entering the temple or the border area;
11. Expresses its concern about the alleged use of cluster munitions and calls on both countries to refrain from using such munitions under any circumstances;
12. 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 European External Action Service, the governments and parliaments of the EU Member States, the Government of the Kingdom of Cambodia, the Government of the Kingdom of Thailand, the UN Secretary-General, the UNESCO Director-General and the governments of the ASEAN Member States.

Yemen: death penalty against juvenile offenders, notably the case of Muhammed Taher Thabet Samoum

P7_TA(2011)0073

European Parliament resolution of 17 February 2011 on Yemen: persecution of juvenile offenders, in particular the case of Muhammed Taher Thabet Samoum

(2012/C 188 E/13)

The European Parliament,

- having regard to its resolution of 10 February 2010 on the situation in Yemen ⁽¹⁾,
- having regard to the United Nations Convention on the Rights of the Child (UNCRC) and the International Covenant on Civil and Political Rights (ICCPR), to which Yemen is a party,
- having regard to its previous resolutions on the abolition of the death penalty, in particular that of 7 October 2010 on the World Day against the Death Penalty ⁽²⁾,
- 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 ⁽³⁾,
- having regard to the European Community Strategy Paper for Yemen for the period 2007-2013,

⁽¹⁾ OJ C 341 E, 16.12.2010, p. 14.

⁽²⁾ Texts adopted, P7_TA(2010)0351.

⁽³⁾ Texts adopted, P7_TA(2010)0489.

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- having regard to the United Nations General Assembly (UNGA) Resolution 65/206 of 21 December 2010 calling for a moratorium on the use of the death penalty, UNGA Resolution 62/149 of 18 December 2007 on a moratorium on the use of the death penalty, and UNGA Resolution 63/168 of 18 December 2008 calling for the implementation of UNGA Resolution 62/149,
 - having regard to the Alexandria Declaration of 2008 calling on the governments of the Middle East and North Africa (MENA) countries to enact a moratorium on executions as the first step towards the abolition of the death penalty,
 - having regard to the revised and updated version of the EU Guidelines on the Death Penalty, adopted by the Council on 16 June 2008,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas in Yemen, as in other Arab countries, in particular Tunisia and Egypt, demonstrators have taken to the streets in recent weeks to demand more democracy and state reforms; whereas many protesters have been attacked or taken into custody by the security forces,
- B. whereas Muhammed Taher Thabet Samoum was sentenced to death in September 2001 by the Criminal Court in Ibb, following his conviction for a murder he allegedly committed in June 1999, when he was supposedly under the age of 18; whereas in the absence of a birth certificate his death sentence was upheld by an appeal court in May 2005, confirmed by the Supreme Court in April 2010 and has since been ratified by the President of Yemen; whereas Muhammed Taher Thabet Samoum was initially scheduled for execution on 12 January 2011, but was granted a temporary reprieve by the Yemeni Attorney-General,
- C. whereas Fuad Ahmed Ali Abdulla was sentenced to death after being convicted of a murder which he allegedly committed while still under the age of 18, although this assumption was rejected by the court; whereas his execution, scheduled for 19 December 2010, was put on hold following representations by the international community, in particular the EU, and his lawyer,
- D. whereas the death penalty is the ultimate cruel, inhuman and degrading punishment, one which violates the right to life as enshrined in the Universal Declaration of Human Rights,
- E. whereas Yemen is a State party to the UNCRC and the ICCPR, both of which expressly prohibit the execution of those convicted of crimes committed when they were under the age of 18, and whereas the imposition of the death penalty on juvenile offenders is also expressly prohibited by Article 31 of Yemen's Penal Code,
- F. whereas dozens of people were executed in Yemen in 2010; whereas hundreds of prisoners are on death row in Yemen, according to reports by human rights organisations,
- G. whereas Yemen lacks adequate means of determining the age of defendants without birth certificates, including the necessary forensic facilities and staff,
- H. whereas there are serious concerns about developments in Yemen with regard to democracy, human rights and the independence of the judiciary; whereas there have been cases of the persecution of journalists and human rights defenders; whereas the situation of women is especially difficult, characterised by ever poorer access to education and a lack of active participation in political life,
- I. whereas the European Union is strongly committed to working towards the abolition of the death penalty everywhere and is striving to achieve universal acceptance of this principle,

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- J. whereas in 2010 only one country reportedly executed a juvenile offender, down from three countries in 2009; whereas Yemen has made significant progress towards the prohibition of the use of the death penalty against juvenile offenders; whereas this raises great hopes that the execution of child offenders will soon be outlawed worldwide in law and in practice,
1. Expresses its deep concern at the long-standing political and socio-economic problems in Yemen, and calls for considerable efforts by the international community to prevent the escalation of the current crisis;
 2. Expresses its solidarity with the demonstrators who are demanding democratic reforms and improved living conditions; welcomes, in this context, President Saleh's announcement that he will step down in 2013, and calls on the authorities to stop all violence against peaceful protesters and to release all demonstrators who have expressed their dissent peacefully;
 3. Condemns all executions, wherever they take place, and emphasises once again that the abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights;
 4. Calls on the President of Yemen and the Yemeni authorities to halt the execution of Muhammed Taher Thabet Samoum, and calls on the Yemeni authorities to commute the death sentences imposed on Muhammed Taher Thabet Samoum and Fuad Ahmed Ali Abdulla;
 5. Calls on the Government of Yemen to stop executing individuals for crimes they allegedly committed when they were under the age of 18, a punishment which breaches both Yemeni law and Yemen's obligations under international human rights agreements;
 6. Calls on the Yemeni authorities to comply with Article 31 of Yemen's Penal Code, which stipulates non-capital sentences for crimes committed by persons under the age of 18;
 7. Urges the Yemeni authorities to respect internationally recognised legal safeguards concerning minors, such as the ICCPR and the UNCRC;
 8. Calls on the Yemeni authorities to introduce universal birth registration and to improve procedures for determining the age of defendants who lack birth certificates;
 9. Stresses the need for reforms in Yemen, as called for by so many demonstrators in the streets, in order to improve living conditions for the population and guarantee free and fair elections, respect for human rights, particularly freedom of the media and the right to a fair trial, and equal treatment for men and women;
 10. Calls on the Council and the Commission, in particular following the establishment of the European External Action Service, quickly to implement a coordinated and comprehensive EU approach towards Yemen;
 11. 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 EEAS, the governments and parliaments of the EU Member States, the UN Secretary-General, the President of the UN General Assembly, the governments of the UN member states and the Government and President of the Republic of Yemen.
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Thursday 17 February 2011

Uganda: murder of David Kato

P7_TA(2011)0074

European Parliament resolution of 17 February 2011 on Uganda: the killing of David Kato

(2012/C 188 E/14)

The European Parliament,

- having regard to the international human rights obligations and instruments, including those contained in the UN conventions on human rights and in the European Convention for the Protection of Human Rights and Fundamental Freedoms, guaranteeing human rights and fundamental freedoms and prohibiting discrimination,
- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (the Cotonou Agreement) and revised in Ouagadougou on 23 June 2010 and the human rights clauses contained therein, in particular Article 8,
- having regard to Articles 6, 7 and 21 of the Treaty on European Union (TEU), which commit the European Union and the Member States to upholding human rights and fundamental freedoms and provide means to fight discrimination and human rights violations at EU level,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Article 21 thereof, which prohibits discrimination on grounds of sexual orientation,
- having regard to all EU activities that relate to fighting homophobia and discrimination on grounds of sexual orientation,
- having regard to its previous resolutions on homophobia, protection of minorities and anti-discrimination policies,
- having regard to its resolutions of 17 December 2009 on Uganda: anti-homosexual draft legislation ⁽¹⁾ and of 16 December 2010 on Uganda: the so-called 'Bahati bill' and discrimination against the LGBT population ⁽²⁾,
- having regard to the statements by the High Representative/Vice-President for Foreign Affairs and Security Policy, Catherine Ashton, and of the President of the European Parliament, Jerzy Buzek, on the International Day Against Homophobia, 17 May 2010,
- having regard to the 28 September 2010 Declaration by the ACP Parliamentary Assembly on the peaceful co-existence of religions and the importance given to the phenomenon of homosexuality in the ACP-EU partnership,
- having regard to the 6 December 2010 statement made in response to the ACP Declaration by EU Members of the ACP-EU Joint Parliamentary Assembly from the PPE, S&D, ALDE, Verts/ALE and GUE/NGL Groups of the European Parliament,
- having regard to the ACP-EU Joint Parliamentary Assembly resolution of 3 December 2009 on social and cultural integration and participation of young people,
- having regard to Rule 122(5) of its Rules of Procedure,

⁽¹⁾ OJ C 286 E, 22.10.2010, p. 25.

⁽²⁾ Texts Adopted, P7_TA(2010)0495.

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- A. whereas on 26 January 2011 David Kato Kisule, human rights defender and leading figure of the gay and lesbian rights group Sexual Minorities Uganda and of the Ugandan lesbian, gay, bisexual and transgender (LGBT) community at large, was brutally killed in Uganda,
- B. whereas David Kato had sued and won the lawsuit against a local tabloid, 'Rolling Stone', which on 9 October and 15 November 2010 had listed the names, personal details and photographs of over a hundred people alleged to be homosexual, including David Kato, inciting readers to harm or hang them,
- C. whereas on 3 January 2011 the Ugandan High Court ruled that 'Rolling Stone' had violated the fundamental constitutional rights of all citizens to dignity and privacy, specifying that even current Ugandan anti-homosexuality legislation cannot be understood to condone violence towards or killings of homosexual people; whereas, after the court victory, David Kato denounced an increase in threats and harassment,
- D. whereas the Co-President of the ACP-EU Joint Parliamentary Assembly, the Chair of the European Parliament's Subcommittee on Human Rights, the President of the European Parliament, the EU Heads of Mission in Kampala, the US President and Secretary of State, the United Nations High Commissioner for Human Rights and other leaders of the international community have paid tribute to David Kato as a human rights defender and have called on the Ugandan authorities to bring the perpetrator(s) to justice,
- E. whereas the European Parliament, international non-governmental organisations and US and EU government representatives had repeatedly expressed their concern regarding the situation of LGBT persons in Uganda, ongoing discrimination and persecution, as well as incitement to hatred against LGBT persons by public and private figures and organisations in Uganda,
- F. whereas the group to which David Kato belonged publicly opposed the Anti-Homosexuality Bill, a private member's bill tabled by David Bahati, MP, on 25 September 2009 in the Ugandan Parliament, under which homosexual acts would be punishable by between seven years' and life imprisonment or by the death penalty; whereas the bill provides for failure to disclose a child's or a patient's homosexuality to be punishable by up to three years' imprisonment; whereas the bill is still under consideration,
- G. whereas LGBT people in Uganda, as well as those whose photographs and details appeared in 'Rolling Stone' and whose details were subsequently read out on radio and television, are now in genuine danger of being persecuted, are in most cases now homeless, unemployed and forced to avoid public places, and must hide from public view,
- H. whereas, in Africa, homosexuality is legal in only 13 countries and is a criminal offence in 38 others; whereas homosexuality is punishable by death in Mauritania, Somalia, Sudan and northern Nigeria; whereas political and extremist religious leaders, among others, incite violence against LGBT persons, while the authorities tolerate and leave unpunished crimes committed on the basis of sexual orientation, and whereas discrimination, arbitrary arrests and ill-treatment on grounds of sexual orientation are constantly increasing,
1. Strongly condemns the violent murder of the Ugandan human rights defender David Kato Kisule;
 2. Calls on the Ugandan authorities to carry out an in-depth and impartial investigation into the killing and bring the perpetrators to justice, and to do so in respect of any act of persecution, discrimination and violence against LGBT people and all other minority groups; calls on the Ugandan authorities to investigate individuals who publicly called for the killing of David Kato, as well as their organisations, role and funding;
 3. Regrets that the Ugandan authorities have nothing to say about the discriminatory views expressed about homosexual persons, and points to their obligations under international law and the Cotonou Agreement, in particular the duty to protect all persons - regardless of their sexual orientation or gender identity - against threats or violence against them;

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4. Restates the need, having regard to the general and presidential elections scheduled for 18 February 2011, to speak out against any crackdown on homosexuality and to adopt appropriate measures to bring an end to homophobic press campaigns and any communication inciting hatred of a minority community or any justification for such action which is based on gender or sexual orientation;
5. Calls on the Ugandan Government to ensure that LGBT people and all other minority groups in Uganda are adequately protected against violence, and to take prompt action against all threats or hate speech likely to incite violence, discrimination or hostility towards them;
6. Condemns accordingly, and again, the Bahati Anti-Homosexuality Bill, and calls on the Ugandan Parliament to decriminalise homosexuality and reject the use of the death penalty under any circumstances; joins in the 10 December 2010 appeal by UN Secretary-General Ban Ki-moon for the universal decriminalisation of homosexuality;
7. Denounces any attempt to incite hatred and advocate violence towards any minority group, including on grounds of gender or sexual orientation; joins in the call by David Kato's organisation (SMUG), and by other organisations, for authorities, political and religious leaders and the media to stop demonising sexual minorities and creating a climate of violence against LGBT people;
8. Urges the Commission and Member States to include LGBT activists in their human rights defender support programmes; calls on all non-governmental organisations in Uganda to work together with the Ugandan Human Rights Coalition, including with LGBT organisations;
9. Calls on the EU and Member States to ensure that their foreign policy, including their cooperation and development policy, vis-à-vis third countries, in relation to both authorities and NGOs, takes into proper consideration the human rights situation of all minority groups including LGBT persons, and to ensure that tangible progress is made in this field; calls on the Commission, the Council and the European External Action Service to make full use of the Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People in their dealings with Uganda, provide full protection for LGBT activists in Uganda, and support their activities; calls on the Commission to include these issues in the Roadmap against homophobia which the European Parliament has requested it to draft ⁽¹⁾;
10. Is extremely concerned that international donors, international organisations, non-governmental organisations, humanitarian organisations and doctors would have to reconsider or cease their activities in certain fields, should the bill pass, and notes that Germany has decided to withhold half of the USD 33 million in foreign aid pledged to Malawi, because of the criminalisation of homosexuality and restriction of press freedom, which has been followed by the United States' refusal to sign over USD 350 million in foreign aid to Malawi without further talks about laws restricting individual freedoms;
11. Reiterates its attachment to universal human rights and recalls the fact that sexual orientation is a matter falling within the sphere of the individual right to privacy as guaranteed by international human rights law, according to which equality and non-discrimination should be protected, while freedom of expression should be guaranteed, and reminds the Ugandan authorities of their obligations under international law and under the Cotonou Agreement, which calls for universal human rights to be respected;
12. Calls on the Member States and EU institutions to restate the principle that persons at risk of persecution should be considered for refugee status;
13. Instructs its President to forward this resolution to the Council, the Commission, the High Representative/Vice-President for Foreign Affairs and Security Policy, the President of the Republic of Uganda, the Speaker of the Ugandan Parliament, the East African Legislative Assembly and the African Union and its institutions.

⁽¹⁾ Paragraph 7 of resolution P7_TA(2011)0019 of 19 January 2011.

Wednesday 16 February 2011

II

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

EUROPEAN PARLIAMENT

Procedure with associated committees and referral back to committee (interpretation of Rules 50 and 56)

P7_TA(2011)0060

European Parliament decision of 16 February 2011 on the procedure with associated committees and referral back to committee in the event of rejection of a Commission proposal (interpretation of Rules 50 and 56 of Parliament's Rules of Procedure)

(2012/C 188 E/15)

The European Parliament,

- having regard to the letter of 15 February 2011 from the chair of the Committee on Constitutional Affairs,
- having regard to Rule 211 of its Rules of Procedure,

1. Decides to append the following interpretation to Rule 50:

'The Conference of Presidents' decision to apply the procedure with associated committees applies at all stages of the procedure in question.

The rights attaching to the status of "committee responsible" are exercised by the lead committee. In exercising those rights, the lead committee must take due account of the prerogatives of the associated committee, and in particular must comply with the obligation to observe the principle of sincere cooperation as regards the timetable and respect the right of the associated committee to determine the amendments submitted in plenary which fall within its exclusive competence.

Should the lead committee disregard the prerogatives of the associated committee, decisions taken by the former remain valid but the latter may table amendments directly in plenary, within the limits of its exclusive competence.;

2. Decides to append the following interpretation to Rule 56(3):

'Following a referral back to committee pursuant to paragraph 3, the lead committee must, before taking a decision on the procedure to be followed, allow an associated committee, as provided for in Rule 50, to make choices as to the amendments which fall within its exclusive competence, and in particular to choose which amendments are to be resubmitted in plenary.

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The time-limit laid down in the second subparagraph of paragraph 3 applies to the tabling in writing, or the oral presentation, of the report of the committee responsible. It does not apply to Parliament's decision as to the appropriate juncture at which to continue consideration of the procedure in question.;

3. Instructs its President to forward this decision to the Council and the Commission, for information.
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Tuesday 15 February 2011

III

(Preparatory acts)

EUROPEAN PARLIAMENT

Agreement between the EC and South Africa on trade, development and cooperation ***

P7_TA(2011)0043

European Parliament legislative resolution of 15 February 2011 on the draft Council decision on the conclusion of the Agreement between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, amending the Agreement on Trade, Development and Cooperation (10297/2010 – C7-0190/2010 – 2010/0119(NLE))

(2012/C 188 E/16)

(Consent)

The European Parliament,

- having regard to the draft Council decision (10297/2010),
 - having regard to the draft agreement between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, amending the Agreement on Trade, Development and Cooperation (07437/2008),
 - 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 (C7-0190/2010),
 - having regard to Rules 81 and 90(8) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Development and the opinion of the Committee on International Trade (A7-0018/2011),
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 South Africa.

Tuesday 15 February 2011

Agreements between the EU, Iceland, Liechtenstein and Norway (Financial Mechanisms 2009-2014 and imports into the EU of certain fish and fisheries products 2009-2014) ***

P7_TA(2011)0044

European Parliament legislative resolution of 15 February 2011 on the draft Council decision on the conclusion of an Agreement between the European Union, Iceland, Liechtenstein and Norway on an EEA Financial Mechanism 2009-2014, an Agreement between the European Union and Norway on a Norwegian Financial Mechanism for the period 2009-2014, an Additional Protocol to the Agreement between the European Economic Community and Iceland, concerning special provisions applicable to imports into the European Union of certain fish and fisheries products for the period 2009-2014, and an Additional Protocol to the Agreement between the European Economic Community and Norway, concerning special provisions applicable to imports into the European Union of certain fish and fisheries products for the period 2009-2014 (09902/2010 – C7-0225/2010 – 2010/0129(NLE))

(2012/C 188 E/17)

(Consent)

The European Parliament,

- having regard to the draft Council decision (09902/2010),
 - having regard to the draft Agreement between the European Union, Iceland, Liechtenstein and Norway on an EEA Financial Mechanism 2009-2014, the draft Agreement between the European Union and Norway on a Norwegian Financial Mechanism 2009-2014, the draft Additional Protocol to the Agreement between the European Economic Community and Iceland concerning special provisions applicable to imports into the European Union of certain fish and fisheries products for the period 2009-2014 and the draft Additional Protocol to the Agreement between the European Economic Community and Norway concerning special provisions applicable to imports into the European Union of certain fish and fisheries products for the period 2009-2014 (09899/2010),
 - 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 (C7-0225/2010),
 - 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 (A7-0372/2010),
1. Consents to conclusion of the agreements and additional protocols;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of Iceland, Liechtenstein and Norway.

Tuesday 15 February 2011

Agreement between the European Union and Brazil on certain aspects of air services ***

P7_TA(2011)0045

European Parliament legislative resolution of 15 February 2011 on the draft Council decision on the conclusion of the Agreement between the European Union and the Federative Republic of Brazil on certain aspects of air services (13988/2010 – C7-0335/2010 – 2009/0115(NLE))

(2012/C 188 E/18)

(Consent)

The European Parliament,

- having regard to the draft Council decision (13988/2010),
 - having regard to the draft Agreement between the European Union and the Federative Republic of Brazil on certain aspects of air services (12922/2009),
 - 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 (C7-0335/2010),
 - 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 (A7-0004/2011),
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 Federative Republic of Brazil.

Agreement between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules in relation to the External Borders Fund for the period 2007 to 2013 ***

P7_TA(2011)0046

European Parliament legislative resolution of 15 February 2011 on the draft Council decision on the conclusion, on behalf of the European Union, of an Agreement between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules in relation to the External Borders Fund for the period 2007 to 2013 (07853/2010 – C7-0101/2010 – 2009/0148(NLE))

(2012/C 188 E/19)

(Consent)

The European Parliament,

- having regard to the draft Council decision (07853/2010),

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- having regard to the draft agreement between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules in relation to the External Borders Fund for the period 2007 to 2013 (15954/2009),
 - having regard to the request for consent submitted by the Council in accordance with Articles 77(2)(d) and Article 218(6), second subparagraph, point (a), point (v), of the Treaty on the Functioning of the European Union (C7-0101/2010),
 - having regard to Rules 81 and 90(8) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A7-0007/2011),
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 Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein.

Accession of Liechtenstein to the Agreement between the EU, the EC and Switzerland on Switzerland's association with the implementation, application and development of the Schengen *acquis* ***

P7_TA(2011)0047

European Parliament legislative resolution of 15 February 2011 on the draft Council decisions on the conclusion on behalf of the European Union of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (06077/2010 – C7-0141/2010 – 2006/0251(NLE))

(2012/C 188 E/20)

(Consent)

The European Parliament,

- having regard to the draft Council decisions (06077/2010),
- having regard to the draft Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (16462/2006),
- having regard to the request for consent submitted by the Council in accordance with Article 16, Article 74, Article 77(2), Article 79(2), points (a) and (c), Article 82(1), points (b) and (d), Article 87(2), Article 87(3), Article 89, Article 114 and Article 218(6) second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0141/2010),

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- having regard to its position of 8 July 2008 ⁽¹⁾ on the Commission proposal (COM(2006)0752),
 - having regard to Rules 81 and 90(8) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A7-0008/2011),
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, of the Swiss Confederation and of the Principality of Liechtenstein.

⁽¹⁾ OJ C 294 E, 3.12.2009, p. 99.

Accession of Liechtenstein to the Agreement between the EC and Switzerland concerning the establishment of the State responsible for examining a request for asylum lodged in a Member State or in Switzerland ***

P7_TA(2011)0048

European Parliament legislative resolution of 15 February 2011 on the draft Council decision on the conclusion of a Protocol between the European Union, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland (06242/2010 – C7-0140/2010 – 2006/0252(NLE))

(2012/C 188 E/21)

(Consent)

The European Parliament,

- having regard to the draft Council decision (06242/2010),
- having regard to the draft Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland (16470/2006),
- having regard to the request for consent submitted by the Council in accordance with Article 78(2), point (e) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0140/2010),
- having regard to its position of 8 July 2008 ⁽¹⁾ on the Commission proposal (COM(2006)0754),
- having regard to Rules 81 and 90(8) of its Rules of Procedure,

⁽¹⁾ OJ C 294 E, 3.12.2009, p. 100.

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— having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A7-0013/2011),

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, of Switzerland and of the Principality of Liechtenstein.

Agreement between the EU and Brazil on short-stay visa waiver for holders of ordinary passports ***

P7_TA(2011)0049

European Parliament legislative resolution of 15 February 2011 on the draft Council decision on the conclusion of the Agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of ordinary passports (16364/2010 – C7-0400/2010 – 2010/0228(NLE))

(2012/C 188 E/22)

(Consent)

The European Parliament,

- having regard to the draft Council decision (16364/2010),
- having regard to the draft agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of ordinary passports (13712/2010),
- having regard to the request for consent submitted by the Council in accordance with Article 77(2), point (a), and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0400/2010),
- having regard to Rules 81 and 90(8) of its Rules of Procedure,
- having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A7-0011/2011),

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 Federative Republic of Brazil.
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Agreement between the EU and Brazil on short-stay visa waiver for holders of diplomatic, service or official passports ***

P7_TA(2011)0050

European Parliament legislative resolution of 15 February 2011 on the draft Council decision on the conclusion of the Agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of diplomatic, service or official passports (16362/2010 – C7-0399/2010 – 2010/0222(NLE))

(2012/C 188 E/23)

(Consent)

The European Parliament,

- having regard to the draft Council decision (16362/2010),
 - having regard to the draft agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of diplomatic, service or official passports (13708/2010),
 - having regard to the request for consent submitted by the Council in accordance with Article 77(2), point (a), and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0399/2010),
 - having regard to Rules 81 and 90(8) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A7-0010/2011),
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 Federative Republic of Brazil.

Rights of passengers in bus and coach transport *III**

P7_TA(2011)0052

European Parliament legislative resolution of 15 February 2011 on the joint text approved by the Conciliation Committee for a regulation of the European Parliament and of the Council concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (PE-CONS 00063/2010 – C7-0015/2011 – 2008/0237(COD))

(2012/C 188 E/24)

(Ordinary legislative procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee (PE-CONS 00063/2010 – C7-0015/2011),

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- having regard to the opinion of the European Economic and Social Committee of 16 July 2009 ⁽¹⁾,
 - having regard to its position at first reading ⁽²⁾ on the Commission proposal to Parliament and the Council (COM(2008)0817),
 - having regard to its position at second reading ⁽³⁾ on the Council position at first reading ⁽⁴⁾,
 - having regard to the Commission's opinion on Parliament's amendments to the Council position at first reading (COM(2010)0469),
 - having regard to the Council position at second reading,
 - having regard to Article 294(13) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 69 of its Rules of Procedure,
 - having regard to the report of its delegation to the Conciliation Committee (A7-0020/2011),
1. Approves the joint text;
 2. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
 3. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
 4. Instructs its President to forward this legislative resolution to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 317, 23.12.2009, p. 99.

⁽²⁾ OJ C 184 E, 8.7.2010, p. 312.

⁽³⁾ Texts adopted of 6.7.2010, P7_TA(2010)0256.

⁽⁴⁾ OJ C 122 E, 11.5.2010, p. 1.

Emission performance standards for new light commercial vehicles ***I

P7_TA(2011)0053

European Parliament legislative resolution of 15 February 2011 on the proposal for a regulation of the European Parliament and of the Council setting emission performance standards for new light commercial vehicles as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles (COM(2009)0593 – C7-0271/2009 – 2009/0173(COD))

(2012/C 188 E/25)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2009)0593),

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- having regard to Article 251(2) and Article 175 (1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0271/2009),
 - having regard to the Communication from the Commission to the European Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures' (COM(2009)0665),
 - having regard to Article 294(3) and Article 192(1) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 14 July 2010 ⁽¹⁾,
 - after consulting the Committee of the Regions,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Industry, Research and Energy and the Committee on Transport and Tourism (A7-0287/2010),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, to the Commission and to the national parliaments.

⁽¹⁾ Not yet published in the Official Journal.

P7_TC1-COD(2009)0173

Position of the European Parliament adopted at first reading on 15 February 2011 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of the Council setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO₂ emissions from light-duty vehicles

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 510/2011)

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Enhanced cooperation in the area of the creation of unitary patent protection ***

P7_TA(2011)0054

European Parliament legislative resolution of 15 February 2011 on the draft Council decision authorising enhanced cooperation in the area of the creation of unitary patent protection (05538/2011 – C7-0044/2011 – 2010/0384(NLE))

(2012/C 188 E/26)

(Consent)

The European Parliament,

- having regard to the draft Council decision authorising enhanced cooperation in the area of the creation of unitary patent protection (05538/2011),
- having regard to the request for consent submitted by the Council in accordance with Article 329(1) of the Treaty on the Functioning of the European Union (C7-0044/2011),
- having regard to Rules 74 g and 81(1) of its Rules of Procedure,
- having regard to the recommendation of the Committee on Legal Affairs (A7-0021/2011),
- A. whereas in 2000 the Commission adopted a proposal for a Council regulation on the Community patent (COM(2000)0412); whereas that proposal contained six chapters: (i) Chapter I on general provisions, (ii) Chapter II on patent law, (iii) Chapter III on renewal, lapse and invalidity of the Community patent, (iv) Chapter IV on jurisdiction and procedure in legal actions relating to the Community patent, (v) Chapter V on impact on national law and (vi) Chapter VI on final provisions,
- B. whereas that proposal was based on Article 308 of the EC Treaty, which required consultation with Parliament and a unanimous vote in the Council,
- C. whereas in its position of 10 April 2002 on the proposal for a Council regulation on the Community patent ⁽¹⁾ Parliament, acting under the consultation procedure, approved the Commission proposal as amended,
- D. whereas it had quickly become clear that some Member States had specific problems which made it impossible for them to accept the proposed regulation; whereas, in particular, some Member States were unable to accept the translation arrangements for the Community patent, which led the Council to conclude that, on account of the translation regime issue, the Council was unable to reach a political agreement on the Commission proposal, due to the lack of a unanimous consensus,
- E. whereas on 9 January 2006 the Commission launched a consultation on future patent policy in Europe to which Parliament responded by adopting a resolution on 12 October 2006 ⁽²⁾,
- F. whereas discussions in the Council were re-launched after the adoption on 3 April 2007 of the Commission Communication on enhancing the patent system in Europe (COM(2007)0165),

⁽¹⁾ OJ C 127 E, 29.5.2003, p. 519.

⁽²⁾ OJ C 308 E, 16.12.2006, p. 169.

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- G. whereas on 4 December 2009 the Council adopted conclusions on the main features of the future patent system based on two pillars: (i) the creation of a unified patent litigation system, and (ii) the creation of an EU patent – a legal instrument for granting patents valid across the EU as a whole; whereas the Council considered that those conclusions should form part of the overall final agreement on a package of measures for an Enhanced Patent System in Europe comprising the creation of a European and EU Patents Court (EEUPC), an EU patent, including the separate regulation on the translation arrangements, an Enhanced Partnership between the European Patent Office and central industrial property offices of Member States and, to the extent necessary, amendments to the European Patent Convention,
- H. whereas the entry into force of the Lisbon Treaty on 1 December 2009 brought about a change of the legal basis for the creation of the EU patent by introducing Article 118 of the Treaty on the Functioning of the European Union (TFEU), according to which: 'In the context of the establishment and functioning of the internal market, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish measures for the creation of European intellectual property rights to provide uniform protection of intellectual property rights throughout the Union and for the setting up of centralised Union-wide authorisation, coordination and supervision arrangements',
- I. whereas in accordance with the first paragraph of Article 118 TFEU the EU patent as a European intellectual property right can be established under the ordinary legislative procedure; whereas, however, in accordance with the second paragraph of Article 118 TFEU a special legislative procedure requiring unanimity within the Council must be followed for the establishment of the language arrangements for such rights,
- J. whereas following the entry into force of the Treaty of Lisbon the Commission confirmed its 2000 proposal ⁽¹⁾; whereas in order to accelerate the procedure and allow the Council to formally transpose its political conclusions of 4 December 2009 into a Council position, which would be the next step in the ordinary legislative procedure, Parliament in its resolution of 5 May 2010 on the consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures (COM(2009)0665) – 'omnibus' ⁽²⁾ confirmed its 2002 position as its first-reading position; whereas the Council has not transposed its conclusions into a position and, accordingly, no further work on the EU patent can be carried out on the basis of the 2000 Commission proposal,
- K. whereas on 30 June 2010 the Commission adopted a proposal for a Council Regulation on the translation arrangements for the European Union patent (COM(2010)0350), which built on the existing language regime of the European Patent Office,
- L. whereas despite several rounds of negotiations undertaken by the Council in 2010, it was confirmed at the Competitiveness Council meeting on 10 December 2010 that insurmountable difficulties existed making a decision on the translation arrangements requiring unanimity impossible now and in the foreseeable future and that the objectives of the proposed Regulations to establish unitary patent protection in the entire European Union could not be attained within a reasonable period by applying the relevant provisions of the Treaties,
- M. whereas several Member States indicated their readiness to consider the possibility of establishing a unitary patent within the framework of enhanced cooperation,
- N. whereas more than nine Member States have indicated their intention to establish enhanced cooperation between themselves in the area of the creation of unitary patent protection by addressing a request to the Commission in accordance with Article 329(1) TFEU, and subsequently the Commission has presented a proposal for a Council decision authorising enhanced cooperation in the area of the creation of unitary patent protection,
- O. whereas Parliament has verified compliance with Article 20 of the Treaty on European Union (TEU) and Articles 326 to 334 TFEU,

⁽¹⁾ COM(2009)0665.

⁽²⁾ Texts adopted, P7_TA(2010)0126.

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- P. whereas, according to Article 20 TEU, a minimum of nine Member States may establish enhanced cooperation between themselves within the framework of the Union's non-exclusive competences, while using its institutions and exercising those competences by applying the provisions of the Treaties in a legally consistent manner, subject to the limits and in accordance with the arrangements laid down in that Article and in Articles 326 to 334 TFEU,
- Q. whereas the creation of unitary patent protection is not included in the list of areas of exclusive competence of the Union set out in Article 3(1) TFEU; whereas the legal basis for the creation of European intellectual property rights is Article 118 TFEU, which makes a specific reference to the establishment and functioning of the internal market, one of the shared competences of the Union according to Article 4 TFEU; whereas the creation of unitary patent protection, including applicable translation arrangements, therefore falls within the framework of the Union's non-exclusive competence,
- R. whereas, in particular, this enhanced cooperation may be regarded as furthering the Union's objectives, protecting its interests and reinforcing its integration process within the meaning of Article 20 TEU, in the light of the Commission's impact assessment in connection with its above-mentioned 2010 proposal for a regulation on the translation arrangements for the European Union patent, which pointed to the lack of a unitary patent providing protection across the entire EU leading to a fragmented patent system; whereas this fragmentation is caused by the high costs and complexity of validating European patents in individual Member States, which can amount to 40 % of the overall costs of patenting in Europe; whereas the creation of unitary patent protection for a group of Member States would improve the level of patent protection by making it possible to obtain uniform patent protection throughout the territories of the participating Member States and would eliminate the costs and complexity for those territories, thus fostering scientific and technological advances and the functioning of the internal market,
- S. whereas it is apparent from the antecedents of this initiative that the proposed decision is being put forward as a last resort and that the objectives of the cooperation cannot be attained within a reasonable period by the Union,
- T. whereas the requirements of Articles 326 to 334 TFEU are also satisfied; whereas enhanced cooperation will facilitate the proper functioning of the internal market by eliminating obstacles to the free movement of goods, helping to tackle patent infringements, possibly increasing the number of inventors seeking patent protection throughout the Union, providing equal access to unitary patent protection to all inventors, innovative companies and patent-holders whether they come from participating Member States or non-participating Member States, providing an additional instrument available to all patent-holders in the Union, improving the framework conditions for innovative businesses throughout the Union, and eliminating, among participating Member States, the current fragmentation where patent right 'borders' exist between Member States,
- U. whereas, in particular, enhanced cooperation in this area complies with the Treaties and Union law since it will not affect the *acquis*, given that, to date, only a limited number of legal acts of the Union within the meaning of Article 288 TFEU have been adopted, none of them covering the creation of a European intellectual property right providing for uniform protection throughout the Union; whereas, with the exception of Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions ⁽¹⁾, no approximation of substantive patent law exists at Union level, and whereas Regulation (EC) No 1610/96 of the European Parliament and of the Council of 23 July 1996 concerning the creation of a supplementary protection certificate for plant protection products ⁽²⁾ and Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products ⁽³⁾ concern patent term extensions for specific types of patented subject matter; whereas enhanced cooperation in the area of patents would not cause discrimination since access to the unitary patent will be open to users of the patent system from all over the Union,

⁽¹⁾ OJ L 213, 30.7.1998, p. 13.

⁽²⁾ OJ L 198, 8.8.1996, p. 30.

⁽³⁾ OJ L 152, 16.6.2009, p. 1.

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- V. whereas enhanced cooperation will respect the rights, competences and obligations of the non-participating Member States, inasmuch as the possibility of obtaining unitary patent protection on the territories of the participating Member States does not affect the availability or the conditions of patent protection on the territories of non-participating Member States,
- W. whereas Article 328(1) TFEU provides that enhanced cooperation is to be open at any time to all Member States that wish to participate; whereas the Commission and the Member States participating in the enhanced cooperation should promote from the beginning, and keep promoting and encouraging, the participation of as many Member States as possible,
- X. whereas the consent of Parliament concerns the enhanced cooperation and does not prejudice which Member States will participate in it,
- Y. whereas Article 333(2) TFEU allows the Council (or, more precisely, those members of the Council representing the Member States participating in enhanced cooperation) to adopt a decision stipulating that it will act under the ordinary legislative procedure, rather than the special legislative procedure provided for in the second paragraph of Article 118 TFEU, under which Parliament is merely consulted,
1. Consents to the draft Council decision, without prejudice to which are the participating Member States;
 2. Calls on the Council to adopt a decision pursuant to Article 333(2) of the Treaty on the Functioning of the European Union stipulating that, when it comes to the proposal for a Council Regulation implementing enhanced cooperation in the area of the creation of unitary patent protection with respect to language arrangements for the European intellectual property rights pursuant to the second paragraph of Article 118 of the Treaty on the Functioning of the European Union, it will act under the ordinary legislative procedure;
 3. Instructs its President to forward its position to the Council and the Commission.

Radioactive contamination of foodstuffs ***I

P7_TA(2011)0055

European Parliament legislative resolution of 15 February 2011 on the proposal for a Council regulation (Euratom) laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency (recast) (COM(2010)0184 – C7-0137/2010 – 2010/0098(COD))

(2012/C 188 E/27)

(Ordinary legislative procedure: first reading -recast)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2010)0184),
- having regard to Council's consultation of Parliament (C7-0137/2010),
- having regard to Article 294(3) and Article 168 (4) (b) of the Treaty on the Functioning of the European Union,

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- having regard to the opinion of the European Economic and Social Committee of 15 September 2010 ⁽¹⁾,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts ⁽²⁾,
 - having regard to the letter of 29 June 2010 from the Committee on Legal Affairs to the Committee on Industry, Research and Energy in accordance with Rule 87(3) of its Rules of Procedure,
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Rules 87, 55 and 37 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy (A7-0001/2011),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance,
1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 48, 15.2.2011, p. 160.

⁽²⁾ OJ C 77, 28.3.2002, p. 1.

P7_TC1-COD(2010)0098

Position of the European Parliament adopted at first reading on 15 February 2011 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of the Council laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency (recast)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty *on the Functioning of the European Union*, and in particular Article **168(4)(b)** thereof,

[Amendment 32]

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

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

⁽¹⁾ OJ C 48, 15.2.2011, p. 160.

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Having regard to the opinion of the Committee of the Regions ⁽¹⁾,

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

Whereas:

- (1) Council Regulation (Euratom) No 3954/87 of 22 December 1987 laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency ⁽³⁾ has been substantially amended ⁽⁴⁾. Since further amendments are to be made, the said Regulation should be recast in the interests of clarity, together with Commission Regulation (Euratom) No 944/89 of 12 April 1989 laying down maximum permitted levels of radioactive contamination in minor foodstuffs following a nuclear accident or any other case of radiological emergency ⁽⁵⁾ and Commission Regulation (Euratom) No 770/90 of 29 March 1990 laying down maximum permitted levels of radioactive contamination of feedingstuffs following a nuclear accident or any other case of radiological emergency ⁽⁶⁾.

I

[Amendment 2]

- (2) ***In accordance with Article 168 of the Treaty on the Functioning of the European Union (TFEU), a high level of human health protection should be ensured in the definition and implementation of all Union policies and activities.***

[Amendment 3]

- (3) On 2 February 1959, the Council adopted Directives ⁽⁷⁾ laying down basic safety standards, the text of which was replaced by that of Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation ⁽⁸⁾. Article 50(2) of that Directive requires Member States to stipulate intervention levels in the event of accidents.
- (4) Following the accident at the Chernobyl nuclear power station on 26 April 1986, considerable quantities of radioactive materials were released into the atmosphere, contaminating foodstuffs and feedingstuffs in several European countries to levels significant from a health perspective. ***The soil was also contaminated by radioactive fallout, which increased the radioactivity of forest and agricultural foodstuffs obtained from the affected areas.***

[Amendment 4]

- (5) Measures were adopted ⁽⁹⁾ to ensure that certain agricultural products were only introduced into the Union according to the common arrangements which safeguard the health of the population while maintaining the unified nature of the market and avoiding deflections of trade.
- (6) ***A high level of human health protection is one of the objectives the Union is to achieve when defining and implementing its policies. Article 168(4)(b) TFEU provides for the adoption of common measures in the veterinary field, the direct objective of which is the protection of human health. Member States are responsible for monitoring compliance with the maximum permitted levels of radioactive contamination laid down in this Regulation, namely through the surveillance of the safety standards of foodstuffs and feedingstuffs.***

[Amendment 5]

⁽¹⁾ OJ C [...], [...], p. [...].

⁽²⁾ Position of the European Parliament of 15 February 2011.

⁽³⁾ OJ L 371, 30.12.1987, p. 11.

⁽⁴⁾ See Annex IV.

⁽⁵⁾ OJ L 101, 13.4.1989, p. 17.

⁽⁶⁾ OJ L 83, 30.3.1990, p. 78.

⁽⁷⁾ OJ 11, 20.2.1959, p. 221/59.

⁽⁸⁾ OJ L 159, 29.6.1996, p. 1.

⁽⁹⁾ Council Regulations (EEC) No 1707/86 (OJ L 146, 31.5.1986, p. 88), (EEC) No 3020/86 (OJ L 280, 1.10.1986, p. 79), (EEC) No 624/87 (OJ L 58, 28.2.1987, p. 101) and (EEC) No 3955/87 (OJ L 371, 30.12.1987, p. 14).

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- (7) The need arises to set up a system allowing the **Union**, following a nuclear accident or any other case of radiological emergency which is likely to lead or has led to a significant radioactive contamination of foodstuffs and feedingstuffs, to set maximum permitted levels of radioactive contamination in order to **ensure a high level of public health protection**.

[Amendment 6]

- (8) The Commission is to be informed of a nuclear accident or of unusually high levels of radioactivity according to Council Decision 87/600/Euratom of 14 December 1987 on Community arrangements for the early exchange of information in the event of radiological emergency ⁽¹⁾, or under the IAEA Convention of 26 September 1986 on early notification of a nuclear accident.
- (9) The Commission should **immediately apply the** pre-established maximum permitted levels **of radioactive contamination to a particular situation following a nuclear accident or radiological emergency**.

[Amendment 7]

- (10) **The Commission should be empowered to adopt delegated acts in accordance with Article 290 TFEU in respect of the adaptation to technical progress of the maximum permitted levels of radioactive contamination of foodstuffs and feedingstuffs, and of the list of minor foodstuffs. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.**

[Amendment 8]

|

[Amendment 9]

- (11) **The maximum permitted levels of radioactive contamination should be regularly revised to** take due account of the latest scientific **advances and** advice as presently available on an international scale, **to reflect** the need for reassuring the public **and to provide it with a high level of protection** and **avoid** divergences in international regulatory practice.

[Amendment 10]

- (12) **Levels of radioactivity caused by contamination following a nuclear accident or any other case of radiological emergency should be taken into account in conjunction with the natural levels of radioactivity already present which might themselves exceed the safety limits established.**

[Amendment 11]

- (13) **Annexes I, II and III should take into account the effect of the partial decay of radioactive isotopes during the shelf life of preserved foodstuffs. Depending on the type of contamination, for example contamination with iodine isotopes, the radioactivity of preserved foodstuffs should be constantly monitored.**

[Amendment 12]

|

[Amendments 13, 14 and 15]

⁽¹⁾ OJ L 371, 30.12.1987, p. 76.

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- (14) The foodstuffs to be considered as minor foodstuffs are those of minor dietary importance which make only a marginal contribution to food consumption by the population. ▀

[Amendment 16]

- (15) *The general principles of food law as laid down in Articles 5 to 21 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾ shall apply.* Compliance with the maximum permitted levels of radioactive contamination should be the subject of appropriate checks *and official controls by Member States, as provided for in Article 17 of that Regulation,*

[Amendment 17]

HAVE ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down the procedure for determining the maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs which may be placed on the market following a nuclear accident or any other case of radiological emergency which is likely to lead to or has led to significant radioactive contamination of foodstuffs and feedingstuffs.

2. For the purposes of this Regulation, the following definitions shall apply:

- (a) 'foodstuffs' means products which are intended for human consumption either immediately or after processing;
- (b) 'feedingstuffs' means products which are intended only for animal nutrition.

Article 2

1. In the event of the Commission receiving — in particular according to either the European Atomic Energy Community arrangements for the early exchange of information in case of a radiological emergency or under the IAEA Convention of 26 September 1986 on early notification of a nuclear accident — official information on nuclear accidents or on any other case of radiological emergency, substantiating that the maximum permitted levels of radioactive contamination for foodstuffs laid down in Annex I or the maximum permitted levels for feedingstuffs laid down in Annex III are likely to be reached or have been reached, it shall immediately adopt **a decision declaring the occurrence of a nuclear accident or radiological emergency and applying** those maximum permitted levels.

[Amendment 18]

2. The period of validity of ▀ the **decision referred to in** paragraph 1 ▀ shall not exceed three months ▀.

[Amendment 19]

3. *For the purposes of this Regulation, the Commission shall be assisted by a committee of independent scientific experts on public health and food safety. The members of the committee shall be selected according to scientific criteria. The Commission shall make public the composition of the committee of experts and its members' declarations of interests.*

[Amendment 20]

▀

[Amendments 21 and 22]

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

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Article 3

In order to *take account of any new scientific data becoming available, or if necessary after a nuclear accident or any other case of radiological emergency, the Commission shall adapt Annexes I, II and III by means of delegated acts in accordance with Article 4 and subject to the conditions of Articles 5 and 6.*

■

[Amendment 23]

Article 4

Exercise of the delegation

1. *The power to adopt the delegated acts referred to in Article 3 shall be conferred on the Commission for a period of five years from ...⁽¹⁾. The Commission shall draw up a report in respect of the delegated power not later than six months before the end of the five-year period. The delegation of power shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council revokes it in accordance with Article 5.*

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

3. *The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 5 and 6.*

[Amendment 24]

Article 5

Revocation of the delegation

1. *The delegation of power referred to in Article 3 may be revoked at any time by the European Parliament or by the Council.*

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

3. *The decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.*

[Amendment 25]

Article 6

Objections to delegated acts

1. *The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification.*

At the initiative of the European Parliament or the Council that period shall be extended by two months.

⁽¹⁾ OJ: Please insert date of entry into force of this Regulation.

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2. *If, on expiry of the period referred to in paragraph 1, neither the European Parliament nor the Council has objected to the delegated act it shall be published in the Official Journal of the European Union and shall enter into force on the date stated therein.*

The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period, if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

3. *If either the European Parliament or the Council objects to the delegated act within the period referred to in paragraph 1, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.*

[Amendment 26]

Article 7

1. Foodstuffs or feedingstuffs not in compliance with the maximum permitted levels of radioactive contamination laid down in Annexes I and III shall not be placed on the market.

This Regulation shall also apply to foodstuffs or feedingstuffs imported from third countries, those in customs transit and those intended for export.

[Amendment 27]

2. Each Member State shall provide the Commission with all information concerning the application of this Regulation, in particular concerning cases of non-compliance with the maximum permitted levels of radioactive contamination. The Commission shall communicate such information to the other Member States.

3. *Member States shall monitor compliance with the maximum permitted levels of radioactive contamination within their territories. For that purpose Member States shall maintain a system of official controls for foodstuffs and feedingstuffs, and undertake other activities as appropriate in the circumstances, including public communication on food and feed safety and risks, in accordance with Article 17 of Regulation (EC) No 178/2002.*

[Amendment 28]

4. *The Commission shall, by March 2012, submit a report to the European Parliament and the Council on the appropriateness of a mechanism for compensating farmers whose foodstuffs have been contaminated beyond the maximum permitted levels of radioactive contamination and therefore cannot be placed on the market. Such a mechanism should be based on the polluter-pays principle. The report shall, if appropriate, be accompanied by a legislative proposal setting up such a mechanism.*

[Amendment 33]

Article 8

A list of minor foodstuffs is set out in Annex II.

■

[Amendment 29]

Article 9

1. *The Commission shall, by March 2012, submit a report to the European Parliament and the Council on the appropriateness of the maximum permitted levels of radioactive contamination laid down in Annexes I and III, and on the appropriateness of maintaining a list of minor foodstuffs as laid down in Annex II.*

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2. *That report shall in particular examine the compliance of the maximum permitted levels of radioactive contamination with the effective dose limit of 1 mSv/y for members of the public under the conditions laid down in Directive 96/29/Euratom and shall consider the possible inclusion of additional relevant radionuclides in Annex I and III. In assessing those maximum permitted levels, the report shall focus on the protection of the most vulnerable population groups, in particular children, and examine whether it would be appropriate to set maximum permitted levels for all categories of the population on that basis.*

[Amendment 30]

Article 10

Council Regulation (Euratom) No 3954/87 and Commission Regulations (Euratom) No 944/89 and No 770/90 are repealed.

References to the repealed Regulations shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex V.

Article 11

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the European Parliament
The President

For the Council
The President

Tuesday 15 February 2011

ANNEX I

[Amendment 31]

MAXIMUM PERMITTED LEVELS OF RADIOACTIVE CONTAMINATION FOR FOODSTUFFS (Bq/kg)

	Foodstuffs ⁽¹⁾			
	Infant food ⁽²⁾	Dairy produce ⁽³⁾	Other foodstuffs except minor foodstuffs ⁽⁴⁾	Liquid foodstuffs ⁽⁵⁾
Isotopes of strontium, notably Sr-90	75	125	750	125
Isotopes of iodine, notably I-131	150	500	2 000	500
Alpha-emitting isotopes of plutonium and transplutonium elements, notably Pu-239, Am-241	1	20	80	20
All other nuclides of half-life greater than 10 days, notably Cs-134, Cs-137 ⁽⁶⁾	400	1 000	1 250	1 000

⁽¹⁾ The maximum permitted level applicable to concentrated or dried products is calculated on the basis of the reconstituted product as ready for consumption. Member States may make recommendations concerning the diluting conditions in order to ensure that the maximum permitted levels laid down in this Regulation are observed.

⁽²⁾ Infant food is defined as *infant formulae, including formula milk, follow-on formulae and equivalent* foodstuffs, intended for infants *under the age of twelve months*, which meet in themselves, the nutritional requirements of this category of person and are put up for retail sale in packages which are clearly identified and labelled 'food preparation for infants'.

⁽³⁾ Dairy produce is defined as those products falling within the following CN codes including, where appropriate, any adjustments which might be made to them later: 0401, 0402 (except 0402 29 11).

⁽⁴⁾ Minor foodstuffs and the corresponding maximum permitted levels to be applied to them are set out in Annex II.

⁽⁵⁾ Liquid foodstuffs as defined in the heading 2009 and in chapter 22 of the combined nomenclature. Values are calculated taking into account consumption of tap-water and the same values should be applied to drinking water supplies at the discretion of competent authorities in Member States.

⁽⁶⁾ Carbon 14, tritium and potassium 40 are not included in this group.

ANNEX II

List of minor foodstuffs

For the minor foodstuffs set out in this Annex, the maximum permitted levels of radioactive contamination to be applied are 10 times those applicable to 'other foodstuffs except minor foodstuffs' set out in Annex I.

CN code	Description
0703 20 00	Garlic (fresh or chilled)
0709 59 50	Truffles (fresh or chilled)
0709 90 40	Capers (fresh or chilled)
0711 90 70	Capers (provisionally preserved, but unsuitable in that state for immediate consumption)
ex 0712 39 00	Truffles (dried, whole, cut, sliced, broken or in powder, but not further prepared)
0714	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh or dried, whether or not sliced or in the form of pellets; sago pith
0814 00 00	Peel of citrus fruit or melons (including watermelons), fresh, frozen, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions
0903 00 00	Maté

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CN code	Description
0904	Pepper of the genus <i>Piper</i> ; dried or crushed or ground fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i>
0905 00 00	Vanilla
0906	Cinnamon and cinnamon-tree flowers
0907 00 00	Cloves (whole fruit, cloves and stems)
0908	Nutmeg, mace and cardamons
0909	Seeds of anise, badian, fennel, coriander, cumin or caraway; juniper berries
0910	Ginger, saffron, turmeric (curcuma), thyme, bay leaves, curry and other spices
1106 20	Flour, meal and powder of sago or of roots or tubers of heading No 0714
1108 14 00	Manioc (cassava) starch
1210	Hop cones, fresh or dried, whether or not ground, powdered or in the form of pellets; lupulin
1211	Plants and parts of plants (including seeds and fruits), of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, fresh or dried, whether or not cut, crushed or powdered
1301	Lac; natural gums, resins, gum-resins and oleoresins (for example, balsams)
1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products
1504	Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified
1604 30	Caviar and caviar substitutes
1801 00 00	Cocoa beans, whole or broken, raw or roasted
1802 00 00	Cocoa shells, husks, skins and other cocoa waste
1803	Cocoa paste, whether or not defatted
2003 20 00	Truffles (prepared or preserved otherwise than by vinegar or acetic acid)
2006 00	Vegetables, fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallized)
2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading No 3002); prepared baking powders
2936	Provitamins and vitamins, natural or reproduced by synthesis (including natural concentrates), derivatives thereof used primarily as vitamins, and intermixtures of the foregoing, whether or not in any solvent
3301	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; extracted oleoresins; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils

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ANNEX III

Maximum permitted levels of radioactive contamination (caesium-134 and caesium-137) of feedingstuffs

Animal	Bq/kg ⁽¹⁾ , ⁽²⁾
Pigs	1 250
Poultry, lambs, calves	2 500
Other	5 000

⁽¹⁾ These maximum permitted levels are intended to contribute to the observance of the maximum permitted levels for foodstuffs; they do not alone guarantee such observance in all circumstances and do not lessen the requirement for monitoring contamination levels in animal products destined for human consumption.

⁽²⁾ These maximum permitted levels apply to feedingstuffs as ready for consumption.

ANNEX IV

Repealed Regulations

Council Regulation (Euratom) No 3954/87	(OJ L 371, 30.12.1987, p. 11)
Council Regulation (Euratom) No 2218/89	(OJ L 211, 22.7.1989, p. 1)
Commission Regulation (Euratom) No 944/89	(OJ L 101, 13.4.1989, p. 17)
Commission Regulation (Euratom) No 770/90	(OJ L 83, 30.3.1990, p. 78)

ANNEX V

Correlation Table

Regulation (Euratom) No 3954/87	Regulation (Euratom) No 944/89	Regulation (Euratom) No 770/90	This Regulation
Articles 1 and 2			Articles 1 and 2
Article 5			Article 3 Article 4 Article 5 Article 6
Article 6(1) first and second sentence			Article 7(1) first and second subparagraphs
Article 6(2)	Article 1 Article 2	Article 1	Article 7(2) Article 8 Annex II Article 2(1) Article 9 Article 10

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Regulation (Euratom) No 3954/87	Regulation (Euratom) No 944/89	Regulation (Euratom) No 770/90	This Regulation
Article 8			Article 11
Annex	Annex	Annex	Annex I Annex II Annex III Annex IV Annex V

Wednesday 16 February 2011

Falsified medicinal products *I**

P7_TA(2011)0056

European Parliament legislative resolution of 16 February 2011 on the proposal for a directive of the European Parliament and of the Council amending Directive 2001/83/EC as regards the prevention of the entry into the legal supply chain of medicinal products which are falsified in relation to their identity, history or source (COM(2008)0668 – C6-0513/2008 – 2008/0261(COD))

(2012/C 188 E/28)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2008)0668),
 - having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0513/2008),
 - 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(3), Article 114 and Article 168(4)(c) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 15 July 2009 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 7 October 2009 ⁽²⁾,
 - having regard to the undertaking given by the Council representative by letter of 21 December 2010 to approve Parliament’s position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Industry, Research and Energy and the Committee on the Internal Market and Consumer Protection (A7-0148/2010),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 317, 23.12.2009, p. 62.

⁽²⁾ OJ C 79, 27.3.2010, p. 50.

Wednesday 16 February 2011

P7_TC1-COD(2008)0261

Position of the European Parliament adopted at first reading on 16 February 2011 with a view to the adoption of Directive 2011/.../EU of the European Parliament and of the Council amending Directive 2001/83/EC on the Community code relating to medicinal products for human use, as regards the prevention of the entry into the legal supply chain of falsified medicinal products

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2011/62/EU)

Thursday 17 February 2011

Bilateral safeguard clause in the EU-Korea Free Trade Agreement *I**

P7_TA(2011)0061

European Parliament legislative resolution of 17 February 2011 on the proposal for a regulation of the European Parliament and of the Council implementing the bilateral safeguard clause of the EU-Korea Free Trade Agreement (COM(2010)0049 – C7-0025/2010 – 2010/0032(COD))

(2012/C 188 E/29)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0049),
 - having regard to Article 294 and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0025/2010),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the undertaking given by the Council representative by letter of 22 December 2010 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade (A7-0210/2010),
1. Adopts its position at first reading hereinafter set out ⁽¹⁾;
 2. Approves the joint statement by Parliament and the Commission annexed to this resolution;
 3. Takes note of the Commission statement annexed to this resolution;
 4. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ This position replaces the amendments adopted on 7 September 2010 (Texts adopted, P7_TA(2010)0301).

P7_TC1-COD(2010)0032**Position of the European Parliament adopted at first reading on 17 February 2011 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of the Council implementing the bilateral safeguard clause of the Free Trade Agreement between the European Union and its Member States and the Republic of Korea**

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 511/2011)

Thursday 17 February 2011

ANNEX I

Commission Statement

The Commission welcomes the first reading agreement between the European Parliament and the Council on the Safeguards Regulation.

As envisaged in the Regulation, the Commission will present a yearly report to the European Parliament and Council on the implementation of the EU-Korea FTA and will be ready to discuss with the responsible committee of the European Parliament any issues arising from the implementation of the Agreement.

In this connection, the Commission wishes to note the following:

- a) The Commission will monitor closely the implementation by Korea of its commitments on regulatory issues, including in particular the commitments relating to technical regulations in the car sector. The monitoring shall include all aspects of non-tariff barriers and its results shall be documented and reported to the European Parliament and the Council.
- b) The Commission will also attach particular importance to the effective implementation of commitments on labour and environment of Chapter 13 of the FTA (Trade and Sustainable Development). In this connection, the Commission will seek the advice of the Domestic Advisory Group, which will include representatives of business organisations, trade unions and non governmental organisations. The implementation of the Chapter 13 of the FTA shall be duly documented and reported to the European Parliament and the Council.

The Commission agrees also on the importance of providing effective protection in the case of sudden surges of imports in sensitive sectors, including small cars. Monitoring of sensitive sectors shall include cars, textiles and consumer electronics. In this connection, the Commission notes that the small car sector can be considered a relevant market for the purpose of a safeguard investigation.

The Commission notes that the designation of outward processing zones in the Korean Peninsula, in accordance with the provisions of Article 12 of the Protocol of Rules of Origin, would require an international agreement between the Parties to which the European Parliament would have to give its consent. The Commission will keep the Parliament fully informed of the deliberations by the Committee on outward Processing Zones in the Korean Peninsula.

Finally, the Commission also notes that if due to exceptional circumstances it decides to extend the duration of the investigation pursuant to Article 5(3), it will ensure that such an extended timing does not go beyond the expiry date of any provisional measures introduced pursuant to Article 7.

ANNEX II

Joint Declaration

The Commission and the European Parliament agree on the importance of close cooperation in monitoring the implementation of the EU-Korea Free Trade Agreement (FTA) and the Safeguard Regulation. Towards this end they agree on the following:

- In case the European Parliament adopts a recommendation to initiate a safeguard investigation, the Commission will carefully examine whether the conditions under the Regulation for ex-officio initiation are fulfilled. In case the Commission considers that the conditions are not fulfilled, it will present a report to the responsible committee of the European Parliament including an explanation of all the factors relevant to the initiation of such an investigation.
 - Upon request by the responsible committee of the European Parliament, the Commission shall report to it on any specific concerns relating to the implementation by Korea of its commitments on non tariff measures or on Chapter 13 (Trade and Sustainable Development) of the FTA.
-

Thursday 17 February 2011

Granting an EU guarantee to the EIB against losses under loans and guarantees for projects outside the EU *I**

P7_TA(2011)0062

European Parliament legislative resolution of 17 February 2011 on the proposal for a decision of the European Parliament and of the Council granting an EU guarantee to the European Investment Bank against losses under loans and guarantees for projects outside the European Union (COM(2010)0174 – C7-0110/2010 – 2010/0101(COD))

(2012/C 188 E/30)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0174),
 - having regard to Article 294(2) and Articles 209 and 212 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0110/2010),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets and the opinions of the Committee on Budgetary Control, the Committee on Development, the Committee on Foreign Affairs, the Committee on Economic and Monetary Affairs and the Committee on International trade (A7-0019/2011),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
-

Thursday 17 February 2011

P7_TC1-COD(2010)0101

Position of the European Parliament adopted at first reading on 17 February 2011 with a view to the adoption of Decision No .../2011/EU of the European Parliament and of the Council granting an EU guarantee to the European Investment Bank against losses under loans and guarantees for projects outside the European Union

[Amendment 1, unless otherwise indicated]

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 209 and 212 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) In addition to its core mission of financing investment in the European Union, the European Investment Bank (EIB) has since 1963 undertaken financing operations outside the European Union in support of the Union's external policies. This allows the EU budget funds available to the external regions to be complemented by the financial strength of the EIB for the benefit of *recipient* countries. ***In undertaking such financing operations, the EIB contributes to the general guiding principles and policy objectives of the Union, including the development of third countries and the Union's prosperity in the changed global economic circumstances. The EIB operations in support of the Union's external policies must continue to be conducted in accordance with the principles of sound banking practices.***
- (2) ***Article 209 of the Treaty on the Functioning of the European Union (TFEU), in conjunction with Article 208 TFEU, lays down that the EIB is to contribute, under the terms laid down in its Statute, to the implementation of the measures necessary to further the objectives of the Union's development cooperation policy.***
- (3) With a view to supporting the Union's external action, and in order to enable the EIB to finance investments outside the Union without affecting its credit standing, the majority of its operations in external regions have benefited from an EU budgetary guarantee administered by the Commission.
- (4) Most recently, the EU guarantee was established for the period 2007-2011 by Decision No 633/2009/EC of the European Parliament and of the Council of 13 July 2009 granting a Community Guarantee to the European Investment Bank against losses under loans and loan guarantees for projects outside the Community ⁽²⁾.
- (5) The Guarantee Fund for external actions (the 'Guarantee Fund'), established by Council Regulation (EC, Euratom) No 480/2009 of 25 May 2009 establishing a Guarantee Fund for external actions (Codified version) ⁽³⁾, provides a liquidity cushion for the EU budget against losses on EIB financing operations and other EU external action.
- (6) As required by Decision No 633/2009/EC, the Commission and the EIB have prepared a mid-term review of EIB external financing, based on an independent external evaluation supervised by a steering group of 'wise persons', a review by an external consultancy, and specific evaluations produced by the EIB. On 12 February 2010, the steering group submitted a report to the European Parliament, the Council, the Commission and the EIB containing its conclusions and recommendations.

⁽¹⁾ Position of the European Parliament of 17 February 2011.

⁽²⁾ OJ L 190, 22.7.2009, p. 1.

⁽³⁾ OJ L 145, 10.6.2009, p. 10.

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- (7) The steering group report concluded that the EU guarantee to the EIB is an efficient and forceful policy instrument with high financial and political leverage and that it should be maintained in order to cover risks of a political or sovereign nature. Certain amendments to Decision No 633/2009/EC were proposed to ensure maximum added value and efficiency in the EIB's external operations.
- (8) *When the new multiannual financial framework is drawn up, the amounts covered by the EU guarantee should be substantially increased in order to boost the effectiveness and visibility of EU action beyond its borders in line with the Lisbon Treaty. [Amendment 2]*
- (9) *The list of countries eligible or potentially eligible for EIB financing under the EU guarantee is set out in Annex II to this Decision, and has been extended compared to the list in Annex I to Decision No 633/2009/EC.*
- (10) The amounts covered by the EU guarantee in each region should continue to represent ceilings for financing by the EIB under the EU guarantee and not targets that the EIB is requested to meet.
- (11) *Extending the EIB external mandate to new countries without revising the ceilings for EIB financing under the EU guarantee would de facto reduce the amount of EIB loans available per country under its external mandate. To avoid weakening EIB action in the countries in which the EIB intervenes, these ceilings should be adjusted accordingly.*
- (12) In addition to the regional ceilings, the optional mandate (the 'Climate Change Mandate') of EUR 2 000 000 000 should be activated and allocated as an envelope to support EIB financing operations in the field of climate change mitigation and adaptation across the regions covered by the mandate. The EIB could contribute with its expertise and resources, in close cooperation with the Commission, to support public authorities as well as the private sector to address the challenge of climate change and to make the best possible use of available financing. For mitigation and adaptation projects, the resources of the EIB should be complemented *as far as possible* with concessional funds available under the EU budget, through the efficient and consistent blending of grants and loans for climate change financing in the context of EU external assistance. *In this regard, it is appropriate that the Commission's annual report to the European Parliament and the Council should contain a detailed report on the financial instruments used for financing these projects, identifying the amounts of EIB financing under the optional mandate and the corresponding amounts of grants.*
- (13) *Eligibility to receive EIB financing for climate change mitigation under the EU guarantee could be restricted for countries that are deemed by the Council not to have committed to meeting appropriate climate change-related targets. The Council may impose such restrictions before the EIB commits funds to the respective countries under the Climate Change Mandate. The Council should consult the European External Action Service (EEAS) and the Commission before taking a decision to impose restrictions.*
- (14) *The EIB should prepare for the potential implementation, from 2014, of micro-credit financing to improve access to bank finance for the poorest, with the aim of developing wealth-creating micro-projects and reducing poverty. [Amendment 3]*
- (15) *The EIB should be allowed to reinvest risk capital and special loans reflows from earlier operations, with the Commission's approval, to finance new operations of the same order to assist partner countries, as proposed by the Commission in its proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1638/2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument ⁽¹⁾.*

⁽¹⁾ COM(2008)0308.

Thursday 17 February 2011

- (16) Some flexibility on regional allocation under the Climate Change Mandate should be provided to allow for the fastest and most effective possible uptake of available financing within the 3-year period 2011-2013, **while striving to ensure** a balanced distribution across regions **over the period** based on the established priorities for external aid under the General Mandate.
- (17) The evaluation found that although the EIB operations carried out in the period covered by the evaluation (2000-2009) were generally in line with EU external policies, the link between EU policy objectives and their operational implementation by the EIB should be strengthened and made more explicit and structured.
- (18) In order to enhance the coherence of the mandate, strengthen the focus of the EIB external financing activity on supporting EU policies, and for the maximum benefit of beneficiaries, this Decision should set out horizontal high-level objectives in the mandate for EIB financing operations across all eligible countries, building on the comparative strengths of the EIB in areas where it has a well-proven track record. In all regions covered by this Decision, the EIB should thus finance projects in the areas of climate change mitigation and adaptation, social and economic infrastructure (notably in transport, energy including renewable energy, **research and development (R&D) into new energy sources**, energy security, **energy infrastructure**, environmental infrastructure including water and sanitation, as well as information and communication technology (ICT)), and local private sector development, in particular in support of small and medium-sized enterprises (SMEs). **It should be recalled that improving access for SMEs to financing can play an essential role in stimulating economic development and in the fight against unemployment.** Within these areas, regional integration among partner countries, including economic integration between pre-accession countries, neighbouring countries and the Union, should be an underlying objective for EIB financing operations. **The EIB can support EU presence in partner countries through foreign direct investment that contributes to promoting technology and knowledge transfer either under the EU guarantee for investments within the aforementioned areas or at its own risk.**
- (19) **In order to effectively reach out to SMEs, the EIB should cooperate with local financial intermediary institutions in the eligible countries, in particular to ensure that part of the financial benefits will be passed on to their clients, to check clients' projects against EU development goals and to provide added value in comparison with market financing. The financial intermediaries' activities in support of SMEs should be fully transparent and be reported regularly to the EIB.**
- (20) **While the EIB's strength remains its distinctiveness as an investment bank, under** this Decision the EIB should **frame the development impact of its external operations** in close coordination with the Commission **and under the democratic control of the European Parliament following** the principles of the European Consensus on Development **and those set out in Article 208 TFEU, as well as the principles of aid effectiveness outlined in the Paris Declaration of 2005 and the Accra Agenda for Action of 2008.** This should be implemented through a number of concrete measures, in particular by reinforcing its capacity to appraise **environmental**, social and development aspects of projects, including human rights and conflict-related risks, and by promoting local consultation **with public authorities and civil society. When carrying out due diligence in respect of the project, the EIB should oblige the project promoter to carry out local consultations and to disclose their results to the public.** Moreover, it should increase its focus on sectors where it has sound expertise from financing operations within the Union and which will further the development of the country in question, such as, **inter alia, access to financial services for SMEs and micro-entities**, environmental infrastructure including water and sanitation, sustainable transportation and climate change mitigation, particularly in renewable energy. **Financing could also include projects in support of health and education, particularly in infrastructure, when there is clear added value.** The EIB should also progressively strengthen its activity in support of climate change adaptation, where appropriate working in cooperation with International Finance Institutions (IFIs) and European bilateral finance institutions (EBFIs). This will require access to concessional resources and **an increase, within a reasonable period, in specialised** human resources devoted to EIB external activities. EIB activity should also be

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complementary to EU objectives and priorities relating to institution building and sector reforms. Finally, the EIB should define performance indicators which are linked to development **and environment** aspects of the projects and their results.

- (21) With the entry into force of the Lisbon Treaty, the function of High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission (High Representative) has been created with the aim of increasing the impact and coherence of the Union's external relations.
- (22) *There has also been a broadening and strengthening of the Union's external relations policies in recent years. This has notably been the case for the Pre-Accession Strategy, the European Neighbourhood Policy, the EU Strategy for Central Asia, the renewed partnerships with Latin America and South-East Asia and the Union's Strategic Partnerships with Russia, China and India. It is also the case for the Union's development policies, which have now been extended to include all developing countries. From 2007, the Union's external relations have also been supported by new financial instruments, i.e. the Instrument for Pre-Accession Assistance (IPA), the European Neighbourhood and Partnership Instrument (ENPI), the Development Cooperation Instrument (DCI), the European Instrument for Democracy and Human Rights (EIDHR) and the Instrument for Stability.*
- (23) *In light of the creation of the EEAS and following the entry into force of this Decision, the Commission and the EIB should amend the Memorandum of Understanding on cooperation and coordination in the regions referred to in Council Decision 2006/1016/EC of 19 December 2006 granting a Community guarantee to the European Investment Bank against losses under loans and loan guarantees for projects outside the Community ⁽¹⁾, and, as appropriate and with the approval of the High Representative, extend the new Memorandum of Understanding to the EEAS, in particular as regards the regular and systematic dialogue between the EIB and the Commission at the strategic level, which should also include the EEAS, and other aspects within the competence of the EEAS.*
- (24) EIB activity in Pre-accession countries **takes** place in the framework established in the Accession and European Partnerships which set out the priorities for each country, and for Kosovo ⁽²⁾, with a view to making progress in moving closer to the Union, and which provide a framework for EU assistance. The Stabilisation and Association Process (SAP) is the EU policy framework for the Western Balkans. It is based on progressive partnership, in which the Union offers trade concessions, economic and financial assistance and contractual relationships through Stabilisation and Association Agreements (SAAs). Pre-accession financial assistance, through the IPA, helps the candidates and potential candidates prepare for the obligations and challenges of membership of the Union. This assistance supports the reform process, including preparations for eventual membership. It focuses on institution-building, alignment with the *acquis* of the Union, preparation for EU policies and instruments **and promotion of measures to achieve economic convergence.**
- (25) *In fulfilling Article 209(3) TFEU, the EIB should strive to indirectly support the achievement of the 2015 Millennium Development Goals in all regions where it is active.*
- (26) EIB activity in Neighbourhood countries should take place in the framework of the European Neighbourhood Policy, under which the Union aims to develop a special relationship with neighbouring countries with a view to establishing an area of prosperity and good neighbourliness, founded on the values of the Union, **such as democracy, the rule of law, good governance and respect for human rights**, and characterised by close and peaceful relations based on co-operation. In order to achieve these objectives the Union and its partners implement jointly agreed bilateral Action Plans defining a set of priorities including on political and security issues, trade and economic matters, environmental **and social** concerns and integration of transport and energy networks, **such as the Nabucco gas pipeline project and other gas pipeline projects, which are of particular interest to the Union.** The Union for the Mediterranean, the **EU Strategy for the Baltic Sea Region**, the Eastern Partnership, and the Black Sea Synergy are multilateral and regional initiatives are multilateral and regional initiatives complementary to the European Neighbourhood Policy aimed at fostering co-operation between the European Union and the respective group of neighbouring partner countries facing common challenges and/or sharing a common geographical environment. The Union for the Mediterranean **aims to relaunch the Euro-Mediterranean integration process by supporting mutual economic, social and environmental development on both sides of the Mediterranean**, and supports improved socio-economic development, solidarity, regional integration, sustainable development and knowledge

⁽¹⁾ OJ L 414, 30.12.2006, p. 95.

⁽²⁾ Under United Nations Security Council Resolution 1244 (1999).

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building, underlining the need to increase financial co-operation to support regional and trans-national projects. **The Union for the Mediterranean supports, in particular, the creation of maritime and land highways, the de-pollution of the Mediterranean, the Mediterranean solar energy plan, the Mediterranean Business Development Initiative, civil protection initiatives and the Euro-Mediterranean university.** The **EU Strategy for the Baltic Sea Region supports a sustainable environment and optimal economic and social development in the Baltic Sea region.** The Eastern Partnership aims to create the necessary conditions to accelerate political association and further economic integration between the Union and Eastern Partner countries, **which cannot be achieved unless all Eastern Partnership countries adhere to the principles of democracy, the rule of law and respect for human rights.** The Russian Federation and the Union have a wide-ranging Strategic Partnership, distinct from the European Neighbourhood Policy and expressed through the Common Spaces and Roadmaps. **These are** complemented at multilateral level by the Northern Dimension which provides a framework for co-operation between the Union, Russia, Norway and Iceland.

- (27) EIB activity in Latin America should take place in the framework of the Union, Latin America and the Caribbean Strategic Partnership. As highlighted in the September 2009 Commission Communication 'The European Union and Latin America: Global Players in Partnership' ⁽¹⁾, the EU priorities in the field of cooperation towards Latin America are the promotion of regional integration and the eradication of poverty and social inequality in order to promote sustainable economic and social development. These policy objectives should be fostered taking into account the different level of development of Latin America countries. Bilateral dialogue should be pursued in areas of common interest for the Union and Latin America, including environment, climate change, disaster risk reduction and energy, science, research, higher education, technology and innovation.
- (28) The EIB should be active in Asia both in dynamic emerging economies and in less prosperous countries. In this diverse region, the Union is deepening its strategic partnerships with China and India and negotiations are progressing on new partnership and free trade agreements with South-East Asian countries. At the same time, development cooperation remains high on the Union's agenda with Asia. The EU development strategy for the Asian region aims at eradicating poverty by supporting broad-based sustainable economic growth, promoting a conducive environment and conditions for trade and integration within the region, enhancing governance, increasing political and social stability, and supporting the achievement of the 2015 Millennium Development Goals. Policies are being put in place jointly to address common challenges, such as climate change, sustainable development, security and stability, governance and human rights, as well as the prevention of, and response to, natural and human disasters.
- (29) The EU Strategy for a new partnership with Central Asia adopted by the European Council in June 2007 has strengthened regional and bilateral dialogue and EU cooperation with Central Asian countries on major issues facing the region, such as poverty reduction, sustainable development and stability. The implementation of the strategy has made important advances in the fields of human rights, rule of law, good governance and democracy, education, economic development, trade and investment, energy and transport and environmental policies.
- (30) EIB activity in South Africa should take place in the framework of the EU-South Africa Country Strategy Paper. The focal areas identified in the Strategy Paper are employment creation and capacity development for service delivery and social cohesion. EIB activities in South Africa have taken place in high complementarity with the Commission's development cooperation programme, namely through the EIB focus on private sector support and investments in expansion of infrastructure and social services (housing, electric power, **drinking water purification projects** and municipal infrastructure). The mid-term review of the Country Strategy Paper for South Africa has proposed the strengthening of actions in the area of climate change through activities supporting the creation of green jobs.

⁽¹⁾ COM(2009)0495.

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- (31) With a view to enhancing the coherence of overall EU support in the regions concerned, opportunities should be **found** to combine EIB financing with EU budgetary resources when and as appropriate, in the form e.g. of guarantees, risk capital and interest rate subsidies, investment co-financing, alongside technical assistance for project preparation and implementation, through the IPA, the ENPI, the Instrument for Stability, the EIDHR and the DCI. **Whenever such a combination of EIB financing with other EU budgetary resources occurs, all financing decisions should clearly identify the resources to be engaged. The Commission's annual report to the European Parliament and the Council on EIB financing operations carried out under this Decision should contain a detailed breakdown of the budgetary resources and financial instruments used in combination with the EIB financing. Under the next multiannual financial framework, a greater synergy between these EU financing instruments and the EIB's external mandate should be established.**
- (32) At all levels, from upstream strategic planning to downstream project development, it should be ensured that EIB external financing operations comply with and support EU external policies and the high-level objectives set out in this Decision. With a view to increasing the coherence of EU external actions, dialogue on policy and strategy should be further strengthened between the Commission, the EEAS and the EIB. To the same end, there should be enhanced cooperation and early mutual exchange of information between the EIB, the Commission **and the EEAS** at operational level. **EIB offices outside the Union should, where appropriate, be located within EU delegations in order to foster such cooperation while sharing operating costs.** It is of particular importance to have an early exchange of views between the EIB, the Commission and the EEAS, as appropriate, in the process of preparing programming documents in order to maximise synergies between **the activities of these three EU bodies.**
- (33) The practical measures for linking the General Mandate objectives and their implementation should be set out in regional operational guidelines. **In order to develop such guidelines, which are of general application and supplement this Decision, the Commission, in close cooperation with the EIB and, on issues falling within its remit, the EEAS, should be empowered to adopt delegated acts in accordance with Article 290 TFEU. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. These guidelines should take as a starting point the wider EU policy framework for each region, reflect EU country strategies and aim to ensure that EIB financing is complementary to corresponding EU assistance policies, programmes and instruments in the different regions. The guidelines should be provided to the European Parliament and Council in the framework of the annual reporting exercise on the EIB external mandate of the Commission.**
- (34) The EIB should prepare, in consultation with the Commission, an indicative multi-annual programme of the planned volume of signatures of EIB financing operations, so as to ensure appropriate budgetary planning for provisioning of the Guarantee Fund **and to ensure compatibility of the EIB's forecast financing with the ceilings established in this Decision.** The Commission should take account of this plan in its regular budget programming transmitted to the budgetary authority.
- (35) The Commission should **propose by mid-2012, on the basis of the existing positive experience, the establishment** of an 'EU platform for cooperation and development', with a view to optimising **and rationalising** the functioning of mechanisms for **increased** blending of grants and loans in the external regions. **Such a proposal should be based on an impact assessment setting out the costs and benefits of such a platform.** In its reflections the Commission should consult the EIB, **the European Bank for Reconstruction and Development (EBRD)** and the other European multilateral and bilateral finance institutions. **For this purpose the Commission should create a working group composed of Member State representatives, Members of the European Parliament, the EIB and, if necessary, other institutions active in the field of EU cooperation and development.** Such a platform should promote, **under the direction of the Commission, synergies, the exchange of information on project pipelines,** mutual reliance arrangements, based on the comparative advantage of the different institutions while

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respecting the role and prerogatives of the EU institutions in the implementation of the EU budget and of *the financing institutions' loans. Such a platform will be particularly useful when financing development-oriented projects or projects countering climate change.*

- (36) *The EIB should be encouraged to carry out a cost-benefit analysis to gradually divide up all its external activities on a geographic basis so as to better adapt to the specific requirements of each area and promote the participation and shared responsibility of partner countries in the practical management of funds and in the financial monitoring of the projects involved. Depending on the outcome of the abovementioned analysis, the EIB should consider beginning this process by splitting up its Mediterranean activities, which until now have been grouped together within the Facility for Euro-Mediterranean Investment and Partnership (FEMIP), and creating a Euro-Mediterranean co-development financial institution, of which the EIB would remain the main shareholder. In the specific case of the Mediterranean, this institutional change would allow the EIB to improve the effectiveness of its action in the Mediterranean countries, boost its visibility and provide increased financial support for the Union's priority initiatives for the Mediterranean. The EIB should also be supported by the 'Invest in Med' programme, which paves the way for effective networking with businesses and those involved in civil society in partner countries.*
- (37) *The EIB should be encouraged to increase its operations and to diversify its financial instruments outside the Union without recourse to the EU guarantee so that use of the guarantee can be encouraged for countries and projects with poor access to the market and where the guarantee therefore provides greater added value. Consequently, and always with the aim of supporting the objectives of the EU's external relations policy, the EIB should increase the amounts it lends at its own risk, particularly in pre-accession countries and neighbourhood countries and in investment grade countries in other regions, but also in sub-investment grade countries when the EIB has the appropriate third party guarantees. In agreement with the Commission, the EIB should develop a policy for deciding between the allocation of projects to either the mandate under EU guarantee or to EIB own-risk financing. Such a policy would notably take into account the creditworthiness of the countries and projects concerned. When the external mandate is renewed for the post-2013 period, this policy should be reviewed and the list of countries eligible under the guarantee re-examined, taking into account the implications on the provisioning of the Guarantee Fund.*
- (38) *Where it has appropriate guarantees, the EIB should be encouraged to increase its operations for sub-sovereign public entities in the countries in which it operates.*
- (39) *The EIB should expand the range of new and innovative financing instruments offered, including by focusing more on developing guarantee instruments. Moreover, the EIB should be encouraged to provide loans in local currencies and issue bonds in local markets, provided that partner countries put in place the necessary structural reforms, in particular in the financial sector, as well as other measures to facilitate EIB activity.*
- (40) *In order to ensure that the EIB meets the requirements of the mandate across regions and sub-regions, sufficient human and financial resources should be devoted to its external activities, within a reasonable period of time. This would notably include having sufficient capacity to support EU development cooperation objectives, to increase focus on ex ante appraisal of the environmental, social and development aspects of its activities, and to effectively monitor projects during implementation. Opportunities to further enhance efficiency and effectiveness should be maintained, and synergies should be actively pursued.*
- (41) *In its financing operations outside the Union that fall within the scope of this Decision, the EIB should endeavour further to enhance coordination and cooperation with IFIs and EBFIs, including, where appropriate, cooperation on sector conditionality and mutual reliance on procedures, use of joint co-financing and participation in global initiatives, such as those promoting aid coordination and effectiveness. Such coordination and cooperation should make it possible to avoid overlapping of projects and unwanted competition relating to EU-financed projects. These efforts are to be based on reciprocity. EIB financing implemented through co-operation agreements with other IFIs and bilateral financial institutions needs to respect the principles set out in this Decision.*

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- (42) *In particular, in the countries of common intervention outside the Union, the EIB should improve its cooperation with the other European financing institutions. A tripartite Memorandum of Understanding between the Commission, the EIB and the EBRD, covering all common countries of operation outside the Union has been concluded. This Memorandum is expected to prevent the EIB and the EBRD competing with each other, and it should allow them to act in a complementary way by maximising their respective comparative advantages. The Memorandum should also provide for convergence of their procedures within a reasonable period. Consideration should be given to establishing closer links over time between these two banks with majority European capital, with a view to optimising the European external action financing instruments.*
- (43) The reporting and transmission of information by the EIB to the Commission should be strengthened in order to allow the Commission to enhance its annual report to the European Parliament and the Council on the EIB financing operations carried out under this Decision. The report should in particular assess the compliance of EIB financing operations with this Decision, taking into account the operational guidelines, and include sections on **EIB added value, such as the support to EU external policies and mandate requirements, the quality of financed operations and the transfer of financial benefits to clients**, and sections on cooperation with the Commission, **the EBRD**, other IFIs and bilateral donors, including co-financing. **The report should also assess the extent to which the EIB has taken into account economic, financial, environmental and social sustainability in the design and monitoring of the projects financed. It should also contain a specific section devoted to a detailed evaluation of the measures taken by the EIB to comply with the current mandate as established by Decision No 633/2009/EC, paying particular attention to EIB operations using financial vehicles situated in offshore financial centres. In its financing operations the EIB should ensure that its policies towards weakly regulated or uncooperative jurisdictions are adequately implemented to contribute to the international fight against tax fraud and tax evasion. The report should include an appraisal of social and development-related aspects of projects. The report should be made public, thus allowing civil society and recipient countries to express their views.** Where necessary, the report should include references to significant changes in circumstances that would justify further amendments to the mandate before the end of the period. **This report should in particular include a detailed breakdown of EIB financing under this Decision in combination with all EU financial resources and other donors, thus giving a detailed overview of the financial exposure of financing operations.**
- (44) EIB financing operations should continue to be managed in accordance with the EIB's own rules and procedures, including appropriate control measures and measures taken to avoid tax evasion, as well as with the relevant rules and procedures concerning the Court of Auditors and the European Anti-Fraud Office (OLAF),

HAVE ADOPTED THIS DECISION:

Article 1

EU guarantee

1. The European Union shall grant the European Investment Bank (EIB) an EU budgetary guarantee for operations carried out outside the Union (the EU guarantee). The EU guarantee shall be granted as a global guarantee in respect of payments not received by the EIB, but due to it, in connection with loans and loan guarantees for EIB investment projects that are eligible in accordance with paragraph 2. **EIB financing activities shall comply with the general guiding principles, and contribute to the achievement of the objectives and policies of the external action of the Union.**
2. Eligible for EU guarantee shall be EIB loans and loan guarantees for investment projects carried out in countries covered by this Decision, granted in accordance with the EIB's own rules and procedures, **including the EIB's statement on social and environmental standards**, and in support of the relevant external policy objectives of the Union, where EIB financing has been granted according to a signed agreement which has neither expired nor been cancelled (EIB financing operations).

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3. The EU guarantee shall be restricted to 65 % of the aggregate amount of credits disbursed and guarantees provided under EIB financing operations, less amounts reimbursed, plus all related amounts.

4. The EU guarantee shall cover EIB financing operations signed during the period beginning 1 February 2007 and ending 31 December 2013. EIB financing operations signed under Decision 2006/1016/EC, Council Decision 2008/847/EC of 4 November 2008 on the eligibility of Central Asian countries under Decision 2006/1016/EC granting a Community guarantee to the European Investment Bank against losses under loans and loan guarantees for projects outside the Community ⁽¹⁾ and Decision No 633/2009/EC shall continue to benefit from the EU guarantee under this Decision.

5. If, on expiry of the period referred to in paragraph 4, the European Parliament and the Council have not adopted a decision granting a new EU guarantee to the EIB for its financing operations outside the Union on the basis of a proposal presented by the Commission in accordance with Article 19, that period shall be automatically extended by six months.

Article 2

Mandate ceilings

1. The maximum ceiling of the EIB financing operations under EU guarantee throughout the period 2007-2013, less amounts cancelled, shall not exceed **EUR 29 567 000 000**, broken down into two parts:

(a) a General Mandate of **EUR 27 567 000 000**;

(b) a Climate Change Mandate of EUR 2 000 000 000.

2. The General Mandate shall be broken down into binding regional ceilings and indicative sub-ceilings as laid down in Annex I. Within the regional ceilings, the EIB shall progressively ensure a balanced country distribution within the regions covered by the General Mandate.

3. EIB Financing Operations covered under the General Mandate shall be those pursuing the objectives set out in Article 3 of this Decision.

4. The Climate Change Mandate shall cover EIB financing operations in all countries covered by this Decision, where such EIB financing operations support the key EU policy objective of tackling climate change by supporting projects in climate change mitigation and adaptation which contribute to the overall objective of the United Nations Framework Convention on Climate Change (UNFCCC), in particular by avoiding or reducing greenhouse gas emissions in the areas of renewable energy, energy efficiency and sustainable transport, or by increasing resilience to the adverse impacts of climate change on vulnerable countries, sectors and communities. The Climate Change Mandate shall be implemented in close cooperation with the Commission, combining *as far as possible* EIB financing with EU budget funds. ***The eligibility of countries in which the EIB finances climate change mitigation under the EU guarantee could be restricted before the EIB dedicates funds for countries that are deemed by the Council not to have committed to meeting appropriate climate change-related targets. Prior to such a decision, the Council shall consult the EEAS and the Commission. The optional mandate shall not be considered as a contribution, of the Union and the Member States, to the 'fast-start' funds agreed to at the UNFCCC COP in Copenhagen in December 2009.***

5. ***Adequate criteria for what qualifies as 'clean technology' need to be oriented in principle at energy efficiency and technologies for reducing emissions.***

⁽¹⁾ OJ L 301, 12.11.2008, p. 13.

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6. For the Climate Change Mandate, the EIB shall nevertheless endeavour to ensure a balanced distribution of financing operations signed across the regions covered by Annex II of this Decision, by the end of the period referred to in Article 1(4). In particular, the EIB will ensure that the region referred to under point A of Annex II does not receive more than 40 % of the amount allocated to this Mandate, the regions under point B not more than 50 %, the regions under point C not more than 30 % and the region under point D not more than 10 %. **Generally, the Climate Change Mandate shall be used to finance projects that are closely related to the EIB's core competences, that add value and that maximise the effect on adaptation and mitigation of climate change.**

7. **Both the General Mandate and the Climate Change Mandate shall be managed according to the principles of sound banking practices.**

Article 3

General Mandate objectives

1. The EU guarantee shall be granted for EIB financing operations which support **any of** the following general objectives:

- (a) **local private sector development, in particular support to small- and medium-sized enterprises;**
- (b) development of social and economic infrastructure, including transport, energy, environmental infrastructure and information and communication technology (ICT);
- (c) **climate change mitigation and adaptation, as defined in Article 2(4).**

Indirectly contributing to reducing poverty through inclusive growth and sustainable economic and social development shall be an objective for EIB financing in developing countries ⁽¹⁾. [Amendment 5]

2. **In line with EU and international climate change objectives, the EIB shall, in cooperation with the Commission, present by 2012 a strategy on how to gradually and steadily increase the percentage of projects promoting the reduction of CO₂ emissions and phase out projects detrimental to the achievement of the EU climate objectives.**

3. **More generally, EIB financing operations shall contribute to the general principles guiding the Union's external action, as referred to in Article 21 of the Treaty on European Union, of consolidating and supporting democracy and the rule of law, human rights and fundamental freedoms, and shall contribute to the implementation of international environmental agreements to which the Union is a party. In relation to developing countries in particular, attention shall be paid to sustainable management of global natural resources, their smooth and gradual integration into the world economy, the campaign against poverty, as well as compliance with objectives approved by the Union in the context of the United Nations and other competent international organisations. The EIB shall promote equal access to financial services, in particular for disadvantaged groups such as minorities, farmers and women. In order to adequately meet these requirements, the EIB governing bodies shall ensure that EIB resources, including staff, are increased within a reasonable period of time.**

4. Regional integration among partner countries, including economic integration between pre-accession countries, neighbouring countries and the EU, shall be an underlying objective for EIB financing operations within the areas covered by paragraph 1.

5. The EIB shall progressively increase its activity in social sectors, such as health and education.

⁽¹⁾ **As defined in the OECD list of ODA recipients (which include Least Developed Countries, Low Income Countries as well as Middle Income Countries).**

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Article 4

Countries covered

1. The list of countries eligible or potentially eligible for EIB financing under EU guarantee is set out in Annex II.
2. For countries listed in Annex II and marked with a '*' and for other countries not listed in Annex II, eligibility for EIB financing under EU guarantee shall be decided by the European Parliament and the Council on a case-by-case basis in accordance with the ordinary legislative procedure.
3. The EU guarantee shall cover only EIB financing operations carried out in eligible countries that have concluded a framework agreement with the EIB establishing the legal conditions under which such operations are to be carried out.
4. In the event of serious concerns over the political or economic situation **and policies** in a specific country, the European Parliament and the Council may decide to suspend new EIB financing under EU guarantee in that country in accordance with the ordinary legislative procedure.
5. The EU guarantee shall not cover EIB financing operations in a specific country where the agreement concerning such operations was signed after that country's accession to the European Union.

Article 5

Contribution of EIB operations to EU policies

1. The Commission shall **adopt, by means of delegated acts, in accordance with Article 6 and subject to the conditions laid out in Articles 7 and 8**, regional operational guidelines, developed **in close cooperation** with the EIB **and the European External Action Service (EEAS)**, for EIB financing under this Decision. In drawing up these guidelines the Commission and the EIB **shall work together** with the EEAS on policy issues **falling within its remit**. The operational guidelines aim to ensure that EIB financing supports EU policies, and shall take as a starting point the wider EU regional policy framework set by the Commission and the EEAS, as appropriate. **Furthermore**, the operational guidelines will ensure that EIB financing is complementary to corresponding EU assistance policies, programmes and instruments in the different regions, taking into account European Parliament resolutions, Council decisions and conclusions, **and the European Consensus on Development**. Within the framework set out by the operational guidelines, the EIB shall define corresponding financing strategies and ensure their implementation.
2. The consistency of EIB financing operations with the external policy objectives of the Union shall be monitored in accordance with Article 13. **The EIB shall develop performance indicators in relation to development, environmental and human rights aspects of projects funded, as well as taking into account the relevant indicators under the Paris Declaration for Aid Effectiveness, in order to facilitate such monitoring.**
3. An EIB financing operation shall not be included under the cover of the EU guarantee in the event that the Commission delivers a negative opinion on such an operation within the framework of the procedure provided for in Article 19 of the Statute of the EIB.
4. **For each project it approves, the Commission shall publish a reasoned opinion explaining how the project respects the different components of this Decision and, in particular, how it supports the Union's external action objectives, excluding confidential points.**

Article 6

Exercise of the delegation

1. **The power to adopt delegated acts referred to in Article 5 shall be conferred on the Commission for the period referred to in Article 1(4) of this Decision.**
2. **As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.**

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3. *The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 7 and 8.*

Article 7

Revocation of the delegation

1. *The delegation of power referred to in Article 5 may be revoked at any time by the European Parliament or by the Council.*

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

3. *The decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.*

Article 8

Objections to delegated acts

1. *The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification.*

At the initiative of the European Parliament or the Council this period shall be extended by two months.

2. *If, on expiry of the period referred to in paragraph 1, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the Official Journal of the European Union and shall enter into force on the date stated therein.*

The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

3. *If either the European Parliament or the Council objects to the delegated act within the period referred to in paragraph 1, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.*

Article 9

EIB assessment of development related aspects of projects

1. *The EIB shall carry out thorough due diligence, **verifying the presence of appropriate local public consultation**, on development-related aspects of projects covered by the EU guarantee. The EIB's own rules and procedures shall include the necessary provisions on assessment of environmental and social impact of projects and of aspects related to human rights, to ensure that only projects that are economically, financially, environmentally and socially sustainable are supported under this Decision. **The Commission shall include on an aggregate basis in the annual report to the European Parliament and the Council an assessment of the development dimension of the activities of the EIB, based on the due diligence carried out for the projects covered by the EU guarantee.***

Where appropriate, the appraisal shall include an assessment of how the capacities of the beneficiaries of EIB financing can be reinforced throughout the project cycle with technical assistance.

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2. In addition to the ex-ante assessment of development-related aspects, the EIB **shall require the project promoters to carry out thorough** monitoring during project implementation **and completion**, inter alia, on the development, **environmental and human rights** impact of the project. **The EIB shall assess the information provided by the project promoters. The EIB monitoring shall include, where possible, the performance of financial intermediaries in support of SMEs. The results of monitoring shall, where possible, be disclosed.**

3. **The EIB shall submit to the Commission annual reports assessing the estimated development impact of the operations financed during the year. The reports shall be based on the EIB performance indicators referred to in Article 5(2). The Commission shall present the development reports of the EIB to the European Parliament and the Council in the framework of the annual reporting exercise provided for in Article 13 and make them publicly available so that interested stakeholders, including civil society and recipient countries, are also able to express their views on the matter. The European Parliament shall discuss the annual reports, taking into consideration the views of all interested parties.**

Article 10

Cooperation with the Commission and the EEAS

1. The consistency of EIB external actions with the external policy objectives of the Union shall be strengthened, with a view to maximising synergies between EIB financing and EU budgetary resources, in particular through the establishment of the operational guidelines referred to in Article 5, as well as through regular and systematic dialogue and early exchange of information on:

- (a) strategic documents prepared by the Commission and/or the EEAS as appropriate, such as country and regional strategy papers, indicative programmes, action plans and pre-accession documents;
- (b) the EIB's strategic planning documents and project pipelines;
- (c) other policy and operational aspects.

2. The cooperation shall be carried out on a region-by-region basis, taking into consideration the EIB's role as well as the policies of the Union in each region.

Article 11

Cooperation with other **public financing** institutions

1. EIB financing operations shall increasingly be carried out, in cooperation with other international financial institutions (IFIs) or European bilateral finance institutions (EBFIs), in order to maximize synergies, cooperation and efficiency and to ensure **prudent and** reasonable sharing of risks and coherent project and sector conditionality, **in order to minimise possible duplication of costs and unnecessary overlap.** [Amendment 4]

2. The cooperation referred to in paragraph 1 shall be facilitated by coordination, carried out notably in the context of Memoranda of Understanding or other EU regional cooperation frameworks, where appropriate, between the Commission, the EIB, **the EBRD** and the main IFIs and EBFIs operating in the different regions, **whilst taking into account the competences of the EEAS.**

3. **The Commission shall propose by mid-2012, on the basis of the existing positive experience, the establishment of an 'EU platform for cooperation and development' with a view to optimising and rationalising the functioning of mechanisms for increased blending of grants and loans in the external regions. In its reflections the Commission shall consult the EIB, the EBRD as well as the other European multilateral and bilateral finance institutions. For this purpose the Commission shall create a working group composed of Member State representatives, Members of the European Parliament, EIB and, if necessary, other institutions.**

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Article 12

Coverage and terms of the EU guarantee

1. For EIB financing operations entered into with a State, or guaranteed by a State, and for other EIB financing operations entered into with regional or local authorities, or government-owned and/or government-controlled public enterprises or institutions where such other EIB financing operations have an appropriate EIB credit risk assessment taking into account the credit risk situation of the country concerned, the EU guarantee shall cover all payments not received by the EIB, but due to it (the 'Comprehensive Guarantee').
2. For the purposes of paragraph 1, the West Bank and Gaza Strip is represented by the Palestinian Authority and Kosovo ⁽¹⁾ by the United Nations Mission in Kosovo or an administration designated in the regional operational guidelines referred to in Article 5 of this Decision.
3. For EIB financing operations other than those indicated in paragraph 1, the EU guarantee shall cover all payments not received by the EIB, but due to it, where the non-receipt has been caused by the realization of one of the following political risks (the 'Political Risk Guarantee'):
 - (a) non-transfer of currency;
 - (b) expropriation;
 - (c) war or civil disturbance;
 - (d) denial of justice upon breach of contract.
4. The EIB shall, in **agreement** with the Commission, develop a clear and transparent allocation policy for deciding upon the source of financing of operations which are eligible both for coverage by the EU guarantee and for EIB own risk financing.
5. **When the EU guarantee is executed for a specific operation, the EIB shall assign to the Union all or part of the debt relating to payments that are not taken up, so that the EIB's rights over debtors, with all the securities attaching thereto, are assigned to the Union.**

Article 13

Annual reporting and accounting

1. The Commission shall report annually to the European Parliament and the Council on EIB financing operations carried out under this Decision. The report shall include an assessment of EIB financing operations at **programme**, project, sector, country and regional level, as well as **an assessment of the contribution of the EIB financing operations to the fulfilment of the external policy and strategic objectives of the Union, paying particular attention to the related objectives of the Europe 2020 strategy**. The report shall **provide a summary of the ongoing projects. The report shall** in particular assess the compliance of EIB financing operations with this Decision, taking into account the regional operational guidelines referred to in Article 5, and shall include sections on added value for the achievement of EU policy objectives, **on the assessment of the estimated development impact and the extent to which the EIB has taken into account environmental and social sustainability in the design and monitoring of the projects financed**, as well as on cooperation with the Commission and other IFIs and bilateral institutions, including co-financing. **The report shall in particular include a detailed breakdown of all Union financial resources used in combination with EIB financing and other donors, thus giving a detailed overview of the financial exposure of financing operations carried out under this Decision. Moreover, it shall contain a specific section devoted to a detailed evaluation of the measures taken by the EIB to comply with Article 1(2) of Decision No 633/2009/EC. Finally, the EIB shall continue to provide to the European Parliament, the Council and the Commission all its independent evaluation reports which assess the practical results achieved by the specific activities of the EIB under the external mandates.**

⁽¹⁾ Under United Nations Security Council Resolution 1244 (1999).

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2. For the purposes of paragraph 1, the EIB shall provide the Commission with yearly reports on EIB financing operations carried out under this Decision at project, sector, country and regional level and on the fulfilment of the external policy and strategic objectives of the EU, including cooperation with the Commission, other IFIs and bilateral institutions, **as well as a development impact assessment report, as referred to in Article 9. Any Memoranda of Understanding between the EIB and other IFIs or bilateral institutions relating to carrying out financial operations under this Decision shall be disclosed or, where disclosure is not possible, these memoranda shall be notified to the European Parliament and the Council as part of the Commission's annual reporting referred to in paragraph 1.**

3. The EIB shall provide the Commission with statistical, financial and accounting data on each of the EIB financing operations, **as well as any additional information** necessary to fulfil the Commission's reporting duties or requests by the European Court of Auditors as well as with an auditor's certificate on the outstanding amounts of the EIB financing operations.

4. For the purposes of the Commission's accounting and reporting of the risks covered by the Comprehensive Guarantee, the EIB shall provide the Commission with the EIB's risk assessment and grading information concerning EIB financing operations with borrowers or guaranteed obligors other than States.

5. The EIB shall provide the information referred to in paragraphs 2, 3 and 4 at its own expense. **The EIB shall also make publicly available that information as a general rule excluding confidential information. Information on whether the project is covered by this guarantee shall be included in the 'project summary' disclosed on the EIB website after the approval stage.**

6. **The EIB shall include in its annual report a follow-up assessment of the functioning of the Memorandum of Understanding with the European Ombudsman.**

Article 14

Non cooperative jurisdictions

In its financing operations, the EIB shall not tolerate any activities carried out for illegal purposes, including money laundering, financing of terrorism, tax fraud and tax evasion. In particular the EIB shall not participate in any operation implemented in an eligible country through a foreign non-cooperative jurisdiction identified as such by the Organisation for Economic Cooperation and Development (OECD), the Financial Action Task Force (FATF) and other relevant international organisations.

Article 15

Perspectives for cooperation and development financing

The Commission shall, together with the EIB, create a working party to discuss the perspectives of the cooperation and development financing originating from the Union to review the existing practices and suggest changes in the organisation and coordination of development aid and the increase in its efficiency and effectiveness. The working party shall include, as appropriate, representatives of Member States, the European Parliament, other European financing institutions, and shall consult, as appropriate, civil society, the private sector and experts from countries with a good track record of receiving development assistance. The working party shall present its report with recommendations by 31 December 2012.

Article 16

Recovery of payments made by the Commission

1. Where the Commission makes any payment under the EU guarantee, the EIB shall, in the name and on behalf of the Commission, pursue the recovery of claims for the amounts paid.

2. The EIB and the Commission shall enter into an agreement laying down the detailed provisions and procedures relating to recovery of claims no later than the date of conclusion of the agreement referred to in Article 17.

3. **In the interests of transparency, the Commission shall make publicly available on its website full details relating to all cases of recoveries under the guarantee agreement referred to in Article 17.**

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4. Payments and recoveries under the EU guarantee agreement attributable to the general budget of the European Union shall be audited by the European Court of Auditors.

Article 17

Guarantee agreement

The EIB and the Commission shall enter into a guarantee agreement laying down the detailed provisions and procedures relating to the EU guarantee **and shall inform the European Parliament accordingly.**

Article 18

Monitoring by the Court of Auditors

The EU guarantee to the EIB shall be subject to monitoring by the Court of Auditors.

Article 19

Review

The Commission shall present to the European Parliament and the Council a proposal for establishing the EU guarantee under the next Financial Framework, as appropriate.

Article 20

Final reporting

The Commission shall present **to the European Parliament and the Council** a final report on the application of this Decision by 31 October 2014.

Article 21

Repeal

Decision No 633/2009/EC is hereby repealed.

Article 22

Entry into force

This Decision shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

Done at

For the European Parliament
The President

For the Council
The President

Thursday 17 February 2011

ANNEX I

REGIONAL CEILINGS OF THE GENERAL MANDATE

- A. Pre-accession countries: **EUR 9 166 000 000**;
- B. Neighbourhood and Partnership Countries: **EUR 13 664 000 000**;
- broken down into the following indicative sub-ceilings:
- (i) Mediterranean countries: **EUR 9 700 000 000**;
- (ii) Eastern Europe, Southern Caucasus and Russia: **EUR 3 964 000 000**;
- C. Asia and Latin America: **EUR 3 837 000 000**;
- broken down into the following indicative sub-ceilings:
- (i) Latin America: EUR 2 800 000 000;
- (ii) Asia (including Central Asia): **EUR 1 037 000 000**;
- D. Republic of South Africa: EUR 900 000 000.

Within the **ceiling** of the General Mandate, the governing bodies of the EIB may decide to reallocate an amount of up to **20 %** of the regional **ceilings** between the **regions**.

ANNEX II

REGIONS AND COUNTRIES ELIGIBLE OR POTENTIALLY ELIGIBLE

- A. Pre-accession countries
1. Candidate countries
- Croatia, Turkey, the former Yugoslav Republic of Macedonia, **the Republic of Iceland**.
2. Potential candidate countries
- Albania, Bosnia and Herzegovina, Montenegro, Serbia, Kosovo under United Nations Security Council Resolution 1244 (1999) **■**.
- B. Neighbourhood and Partnership Countries
1. Mediterranean countries
- Algeria, Egypt, the West Bank and the Gaza Strip, Israel, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia.
2. Eastern Europe, Southern Caucasus and Russia
- Eastern Europe: Republic of Moldova, Ukraine, Belarus (*) ⁽¹⁾;
- Southern Caucasus: Armenia, Azerbaijan, Georgia;
- Russia.

⁽¹⁾ *The start of EIB operations in Belarus will continue to be linked to progress towards democracy in conformity with Council conclusions of 17 November 2009 on Belarus and with the European Parliament Resolution of 10 March 2010 on the situation of civil society and national minorities in Belarus (OJ C 349 E, 22.12.2010, p. 37). The Commission will notify the EIB when those conditions have been fulfilled and in parallel will inform the European Parliament and the Council.*

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C. Asia and Latin America

1. Latin America

Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba (*), Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela.

2. Asia

Asia (excluding Central Asia): Afghanistan (*), Bangladesh, Bhutan (*), Brunei, Cambodia, China (including Hong Kong and Macao Special Administrative Regions), India, Indonesia, Iraq, South Korea, Laos, Malaysia, Maldives, Mongolia, Nepal, Pakistan, the Philippines, Singapore, Sri Lanka, Taiwan (*), Thailand, Vietnam, Yemen.

Central Asia: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan.

D. South Africa: Republic of South Africa.

Free trade agreement between the EU and the Republic of Korea ***

P7_TA(2011)0063

European Parliament legislative resolution of 17 February 2011 on the draft Council decision on the conclusion of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part (08505/2010 – C7-0320/2010 – 2010/0075(NLE))

(2012/C 188 E/31)

(Consent)

The European Parliament,

- having regard to the draft Council decision (08505/2010),
 - having regard to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part (08530/2010),
 - having regard to the request for consent submitted by the Council in accordance with Articles 91, Article 100(2), Article 167(3), Article 207 and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C7-0320/2010),
 - 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 Industry, Research and Energy (A7-0034/2011),
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 Korea.
-

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Guidelines for the employment policies of the Member States *

P7_TA(2011)0070

European Parliament legislative resolution of 17 February 2011 on the proposal for a Council decision on guidelines for the employment policies of the Member States (COM(2011)0006 – C7-0033/2011 – 2011/0007(CNS))

(2012/C 188 E/32)

(Special legislative procedure – consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2011)0006),
 - having regard to Article 148(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0033/2011),
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinion of the Committee on Economic and Monetary Affairs (A7-0040/2011),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
 4. Reiterates its longstanding call to the Commission and the Council to ensure that the Parliament is given the necessary time, and in any event no less than five months, to express its views on the Integrated Guidelines (Broad Economic Policy Guidelines and Employment Guidelines) in the framework of the European Semester and to fulfil its consultative role, as defined in Article 148(2) of the Treaty, during the full revision of the guidelines for the employment policies of the Member States, which is scheduled to take place in 2014;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
-

II *Information*

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

European Parliament**Wednesday 16 February 2011**

2012/C 188 E/15	Procedure with associated committees and referral back to committee (interpretation of Rules 50 and 56) European Parliament decision of 16 February 2011 on the procedure with associated committees and referral back to committee in the event of rejection of a Commission proposal (interpretation of Rules 50 and 56 of Parliament's Rules of Procedure)	65
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III *Preparatory acts*

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2012/C 188 E/16	Agreement between the EC and South Africa on trade, development and cooperation *** European Parliament legislative resolution of 15 February 2011 on the draft Council decision on the conclusion of the Agreement between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, amending the Agreement on Trade, Development and Cooperation (10297/2010 – C7-0190/2010 – 2010/0119(NLE))	67
2012/C 188 E/17	Agreements between the EU, Iceland, Liechtenstein and Norway (Financial Mechanisms 2009-2014 and imports into the EU of certain fish and fisheries products 2009-2014) *** European Parliament legislative resolution of 15 February 2011 on the draft Council decision on the conclusion of an Agreement between the European Union, Iceland, Liechtenstein and Norway on an EEA Financial Mechanism 2009-2014, an Agreement between the European Union and Norway on a Norwegian Financial Mechanism for the period 2009-2014, an Additional Protocol to the Agreement between the European Economic Community and Iceland, concerning special provisions applicable to imports into the European Union of certain fish and fisheries products for the period 2009-2014, and an Additional Protocol to the Agreement between the European Economic Community and Norway, concerning special provisions applicable to imports into the European Union of certain fish and fisheries products for the period 2009-2014 (09902/2010 – C7-0225/2010 – 2010/0129(NLE))	68
2012/C 188 E/18	Agreement between the European Union and Brazil on certain aspects of air services *** European Parliament legislative resolution of 15 February 2011 on the draft Council decision on the conclusion of the Agreement between the European Union and the Federative Republic of Brazil on certain aspects of air services (13988/2010 – C7-0335/2010 – 2009/0115(NLE))	69
2012/C 188 E/19	Agreement between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules in relation to the External Borders Fund for the period 2007 to 2013 *** European Parliament legislative resolution of 15 February 2011 on the draft Council decision on the conclusion, on behalf of the European Union, of an Agreement between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules in relation to the External Borders Fund for the period 2007 to 2013 (07853/2010 – C7-0101/2010 – 2009/0148(NLE))	69



2012/C 188 E/20	<p>Accession of Liechtenstein to the Agreement between the EU, the EC and Switzerland on Switzerland's association with the implementation, application and development of the Schengen <i>acquis</i> ***</p> <p>European Parliament legislative resolution of 15 February 2011 on the draft Council decisions on the conclusion on behalf of the European Union of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen <i>acquis</i> (06077/2010 – C7-0141/2010 – 2006/0251(NLE))</p>	70
2012/C 188 E/21	<p>Accession of Liechtenstein to the Agreement between the EC and Switzerland concerning the establishment of the State responsible for examining a request for asylum lodged in a Member State or in Switzerland ***</p> <p>European Parliament legislative resolution of 15 February 2011 on the draft Council decision on the conclusion of a Protocol between the European Union, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland (06242/2010 – C7-0140/2010 – 2006/0252(NLE))</p>	71
2012/C 188 E/22	<p>Agreement between the EU and Brazil on short-stay visa waiver for holders of ordinary passports ***</p> <p>European Parliament legislative resolution of 15 February 2011 on the draft Council decision on the conclusion of the Agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of ordinary passports (16364/2010 – C7-0400/2010 – 2010/0228(NLE))</p>	72
2012/C 188 E/23	<p>Agreement between the EU and Brazil on short-stay visa waiver for holders of diplomatic, service or official passports ***</p> <p>European Parliament legislative resolution of 15 February 2011 on the draft Council decision on the conclusion of the Agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of diplomatic, service or official passports (16362/2010 – C7-0399/2010 – 2010/0222(NLE))</p>	73
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2012/C 188 E/25	<p>Emission performance standards for new light commercial vehicles ***I</p> <p>European Parliament legislative resolution of 15 February 2011 on the proposal for a regulation of the European Parliament and of the Council setting emission performance standards for new light commercial vehicles as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles (COM(2009)0593 – C7-0271/2009 – 2009/0173(COD))</p> <p>P7_TC1-COD(2009)0173</p> <p>Position of the European Parliament adopted at first reading on 15 February 2011 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of the Council setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO₂ emissions from light-duty vehicles</p>	74 75
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	P7_TC1-COD(2010)0032 Position of the European Parliament adopted at first reading on 17 February 2011 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of the Council implementing the bilateral safeguard clause of the Free Trade Agreement between the European Union and its Member States and the Republic of Korea	93
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Key to symbols used

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

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

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

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

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