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I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

Migration flows arising from instability: scope and role of the EU foreign policy

P7_TA(2011)0121

European Parliament resolution of 5 April 2011 on migration flows arising from instability: scope and role of EU foreign policy (2010/2269(INI))

(2012/C 296 E/01)

The European Parliament,

- having regard to Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument ⁽¹⁾,
- having regard to Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability ⁽²⁾,
- having regard to Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 establishing a financing instrument for the promotion of democracy and human rights worldwide ⁽³⁾,
- having regard to Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation ⁽⁴⁾,
- having regard to Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid ⁽⁵⁾,
- 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 ⁽⁶⁾,
- having regard to Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (EEAS) ⁽⁷⁾,
- having regard to the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted on 18 December 1990,
- having regard to the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the Status of Refugees,

⁽¹⁾ OJ L 310, 9.11.2006, p. 1.

⁽²⁾ OJ L 327, 24.11.2006, p. 1.

⁽³⁾ OJ L 386, 29.12.2006, p. 1.

⁽⁴⁾ OJ L 378, 27.12.2006, p. 41.

⁽⁵⁾ OJ L 163, 2.7.1996, p. 1.

⁽⁶⁾ OJ L 317, 15.12.2000, p. 3.

⁽⁷⁾ OJ L 201, 3.8.2010, p. 30.

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- having regard to the Global Approach to Migration, adopted by the European Council on 13 December 2005, which defines the external dimension of migration policy, and its three main priorities, namely to promote legal migration, to fight irregular migration and to enhance the link between migration and development,
- having regard to the European Pact on Migration and Asylum adopted by the Council in October 2008, the Commission's First Annual Report on Migration and Asylum of 2009 (COM(2010)0214) and the Council Conclusions on the follow-up to the European Pact on Immigration and Asylum of 3 June 2010,
- having regard to the Joint Africa-EU Declaration on Migration and Development signed in Sirte on 23 November 2006, which emphasises the need for African and EU Member States to commit themselves to a partnership between countries of origin, transit and destination with a view to managing migration more effectively, taking into account its link to development,
- having regard to the European Council conclusions of 18 and 19 June 2009 on illegal immigration,
- having regard to the Stockholm Programme for 2010-2014, the European Pact on Immigration and Asylum, and the Commission Action Plan - Implementing the Stockholm Programme (COM(2010)0171),
- having regard to the High Representative and Commission report on Climate Change and International Security of 14 March 2008, the related recommendations of 18 December 2008, and the Council conclusions of 8 December 2009,
- having regard to the Joint Declaration of the Ministerial Conference on 'Building Migration Partnerships' held in Prague on 27 and 28 April 2009,
- having regard to the United Nations Convention against Transnational Organised Crime of December 2000 and the protocols thereto,
- having regard to the agreement on an EU-Libya cooperation agenda on migration, which was signed on 4 October 2010 in Tripoli by Commissioner Malmström, Commissioner Füle and, on behalf of Libya, Mr Moussa Koussa, Secretary of the General People's Committee for Foreign Liaison and International Cooperation, and Mr Yunis Al-Obeidi, Secretary of the General People's Committee for Public Security,
- having regard to its recommendation of 20 January 2011 to the Council on the negotiations on the EU-Libya Framework Agreement ⁽¹⁾,
- having regard to the Tripoli Declaration issued at the Third Africa-EU Summit held in Tripoli, Libya, on 29 and 30 November 2010,
- having regard to the speech made by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Catherine Ashton, at the UN Security Council on 4 May 2010, in which she stressed the need for a comprehensive approach to crisis management and peace-building and highlighted the evident links between security, development and human rights,
- having regard to Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (Blue Card Directive) ⁽²⁾,
- having regard to the Joint Declaration issued at the Prague Eastern Partnership Summit of 7 May 2009 inaugurating the Eastern Partnership,

⁽¹⁾ Texts adopted, P7_TA(2011)0020.

⁽²⁾ OJ L 155, 18.6.2009, p. 17.

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- having regard to its resolution of 21 September 2010 on poverty reduction and job creation in developing countries: the way forward ⁽¹⁾, in particular paragraphs 71, 72 and 73 thereof,
 - having regard to its resolution of 16 December 2010 on Eritrean refugees held hostage in Sinai ⁽²⁾,
 - having regard to the Presidency Conclusions from the Conference ‘Towards a multidisciplinary approach to prevention of trafficking of human beings, prosecutions of traffickers and protection of victims’ of 27 January 2011,
 - having regard to Article 80 of the Treaty on the Functioning of the European Union (TFEU), which states that ‘policies regarding border controls, asylum and immigration shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States, and that whenever necessary the Union acts adopted pursuant to this Chapter shall contain appropriate measures to give effect to this principle’,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development and the Committee on Civil Liberties, Justice and Home Affairs (A7-0075/2011),
- A. whereas political, social and economic instability, lack of security, political repression and authoritarian regimes are the major driving forces behind migration, depriving affected communities of viable local prospects and income and, hence, of the right to choose whether to migrate or not, putting their lives at constant risk and leaving them with migration as their only option; whereas climate change and environmental degradation are becoming an increasingly common cause of migration,
- B. whereas migration arising from instability is triggered in particular by war and armed conflicts or the risk thereof, human rights abuses - including the persecution or the limitation of the rights of political opponents, minorities, including religious, ethnic and LGBTT minorities, and disadvantaged groups - natural and man-made disasters, and the lack of viable economic prospects and of a sustainable structure to guarantee democracy and good governance, and respect for and the promotion of civil, political, cultural, economic and social rights,
- C. whereas migration, as a longstanding worldwide phenomenon, has contributed to the exchange of ideas, but has also entailed challenges in terms of the integration of immigrants into host societies, thus giving rise to both the cultural and economic enrichment of the European Union and issues of social inclusion and adaptation; whereas the EU needs substantial, but controlled, immigration to support its ageing population and address other social and economic challenges,
- D. whereas in the past migratory flows have changed their routes according to where most pressure was applied, but have never ceased, and whereas migration cannot be stopped, but is likely to change over the coming decades in terms of its scale and complexity, so that it must be dealt with in order to prevent human suffering,
- E. whereas legal migration is a process which is of optimum value for the individuals seeking to move from their country of origin and for the receiving country,
- F. whereas the pressure of migratory flows caused by instability and taking the form of illegal migration is being felt to a greater degree by Member States situated at the EU's external borders,

⁽¹⁾ Texts Adopted, P7_TA(2010)0327.

⁽²⁾ Texts Adopted, P7_TA(2010)0496.

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- G. whereas no EU Member State has ratified the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to date; whereas that Convention is the most broadly-based international legal framework for the protection of the rights of migrant workers and their families and gives States guidance as to the approach to be adopted to ensure that migrants' rights are respected when policies relating to the migration of labour are drawn up and implemented,
- H. whereas economic instability has a particularly strong impact on younger generations, women and minorities or disadvantaged groups, who are left without employment prospects and may thus more easily fall victim to violence, radicalisation and recruitment by terrorist groups,
- I. whereas climate change is linked to food and water scarcity, deforestation and land degradation and is increasingly identified as a major threat to international security and stability,
- J. whereas people forced from their homes by large-scale disasters brought on by climate change need to be assisted and protected; whereas, however, existing law on refugees does not recognise the right of climate refugees to international protection,
- K. whereas in some regions most affected by climate change and the resulting loss of biodiversity, such as the Sahel, migration has become the only form of adaptation to the changing climate,
- L. whereas some migrants may also be asylum seekers and may potentially become officially recognised refugees,
- M. whereas the exploitation of irregular migration not only puts the lives of migrants at serious risk, but is very often associated with the worst human rights abuses, including slave labour, sexual exploitation, child abuse and gender violence; whereas action by the EU to prevent such abuses and to protect migrants, including irregular migrants, in situations of distress should be stepped up in order to be more effective,
- N. whereas migrant smuggling affects almost every country in the world; whereas the exploitation of irregular migration, which is unfortunately a lucrative commercial activity for those engaged in organised crime, may also be combined with arms smuggling and human and drug trafficking; whereas the exploitation of irregular migration may be one of the sources of funding for radical and terrorist groups and makes migrants vulnerable to becoming victims of organised crime rings and extremist networks,
- O. whereas EU policies should pay particular attention to the most vulnerable migrants, in particular to unaccompanied minors,
- P. whereas irregular migration has an impact on the migration-management and integration capacity of both receiving and transit countries; whereas in some cases, as regards transit countries, it might disrupt the sustainability and development prospects of local job markets and fuel more instability,
- Q. whereas the expected demographic growth in both countries of origin and transit, particularly in the Maghreb, Mashreq and North Africa as a whole, could negatively affect the prospects for economic growth and job creation, thereby exacerbating the social and economic situation in those countries if the necessary political and economical decisions are not taken; whereas this, together with a lack of democratic principles, will give rise to internal tensions and instability, as shown by the recent demonstrations in Tunisia, Algeria, Egypt and several other countries in the Arab world, and will consequently lead to an increase in migration flows, putting further strain on the integration capacity of receiving countries,

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- R. whereas, in view of current demographic trends, the EU should reflect on how much it wants to open up its borders in coming years to migratory flows from countries of origin and transit in order to offset their internal demographic growth and the social tensions resulting therefrom, thus helping them maintain their internal stability, and how much it needs to invest in a renewed economic agenda for such countries, including an agenda focused on investment and job creation,
- S. whereas measures should be taken to avoid new waves of racism and xenophobia in receiving and transit countries,
- T. whereas migration towards the EU is only part of a much broader South-North and South-South migratory phenomenon; whereas the geographical proximity to the EU of European Neighbourhood Policy (ENP) countries and, at the same time, the marked difference in standards between the migration laws of some ENP countries and those of the EU can create a competitive advantage for those countries, reinforcing their standing as transit countries and limiting their exposure and responsibilities as potential receiving countries,
- U. whereas the ENP should more actively support the capacity of the EU's neighbouring States to manage migration,
- V. whereas the recent dramatic events in Egypt and other countries in north Africa and the Middle East are likely to increase the flow of both legal and illegal migrants to Europe,
- W. whereas tensions between countries of origin and transit and between receiving and transit countries concerning the management of migratory flows could become a source of potential conflict and disagreements in the future in the absence of a more harmonised, coordinated and effective migration policy; whereas, however, a more coordinated and comprehensive approach to migration management can enhance respect for the dignity of all migrants who can potentially contribute to meeting labour needs in countries of transit and destination and boost development in countries of origin; whereas a more coordinated and comprehensive approach to migration management should ensure full respect for the human rights of migrants who may be in situations of distress,
- X. whereas legal and transparent remittances can play a potentially positive role in fostering economic development and particular care should be taken to secure the right of migrants' to support their families and invest in their countries,
- Y. whereas the European Union needs to develop an efficient and wise migration policy similar to those implemented in Canada, Australia or New Zealand; whereas instability in the EU's neighbouring regions jeopardises the establishment of such a policy,
- Z. whereas EU foreign policy can positively complement and strengthen EU policies on migration, and must address all sources of instability in countries of origin and pursue an active dialogue with transit countries on uniform, human rights-based standards for their national laws on migration, thereby creating a level playing field where both receiving and transit countries follow the same rules and offer migrants the same level of protection; whereas the different level of development of transit countries calls for the provision of EU financial assistance to help them reach standards comparable to those of the EU,
- AA. whereas the VP/HR has stressed the importance of a comprehensive approach to security and stability issues, through which development strategies and the creation of sustainable economic prospects can complement and further strengthen peace-keeping and peace-building operations, thereby creating the conditions for longer-term stability and security,

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AB. whereas the new foreign policy architecture introduced by the Lisbon Treaty and the creation of the EEAS provide an opportunity to develop highly valuable synergies between foreign policy and defence policy, on the one hand, and the ENP and development cooperation policy, on the other, as mutually reinforcing and interconnected dimensions and strategies; whereas the new structure also makes it possible for cultural diplomacy to play a role in the EU's external actions; whereas such synergies should already be taken into consideration at the programming stage,

AC. whereas a distinction needs to be made between migrants and asylum seekers and refugees,

1. Welcomes the Commission's recent proposals on legal migration for non-asylum seekers, and urges it to develop further instruments to establish a common immigration policy, to manage economic migration with a view to promoting economic and social progress in receiving, transit and origin countries, and to enhance social cohesion by improving the integration of migrants; emphasises the need for adequate information to be provided on possibilities for legal immigration to the EU, in order to prevent illegal migration, make better use of the EU schemes for legal immigration, clarify current prospects and opportunities within the EU and give the lie to the false promises made by traffickers, thereby limiting the profits generated for organised crime and human traffickers by the need for people to move; calls on the Commission to foster protection measures for vulnerable groups and people (mainly women and children) who often become victims of trafficking and sexual exploitation, and urges it to build up information centres on possibilities for migration to the EU in third countries; calls, however, for a balanced approach between promoting legal migration into the EU and ensuring that the EU has the capacity to receive and successfully integrate migrants;

2. Recalls that well-managed legal migration can also bring benefits to third countries through the funds which immigrants remit to their countries of origin; furthermore, stresses the importance of supporting initiatives designed to promote the involvement of migrants in development and training projects in their countries of origin;

3. Calls on the Member States to work collaboratively with non-EU countries to ensure that information relating to legal migration is readily available and that legal migration is actively advocated;

4. Believes that forced migration is, *inter alia*, a result of failing economies, impoverishment, human rights violations, environmental degradation, the widening gap between rich and poor countries, civil war, wars for control of natural resources and political persecution;

5. Supports the VP/HR's analysis and policy line highlighting the need for a comprehensive and cohesive approach based on targeted development and human rights strategies as an additional vital EU foreign policy instrument to tackle stability and security problems and enhance the effectiveness of peace-keeping and peace-building operations; in that context, calls for the role of FRONTEX to be strengthened so that it can better control migration flows; believes that, in the context of the new foreign policy architecture introduced by the Lisbon Treaty and the creation of the EEAS, it would be important to consolidate further interinstitutional dialogue and reflection on the foundations and objectives of such a comprehensive approach, in particular as regards targeted programming and partnerships with beneficiary countries that can deliver a sustainable process of democratisation, good governance, respect for human rights and economic growth and thus strengthen security and stability;

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6. Urges the Commission to develop a permanent monitoring system for all FRONTEX activities linked to the management of migration flows; considers that the human rights dimension of FRONTEX operations must be reflected clearly throughout the text of the amended version of the FRONTEX Regulation, especially the right of a person to leave his or her country, the ban on refoulement and the right to seek asylum; welcomes the successful activities carried out by FRONTEX and its cooperation with Member States to implement the Common European Asylum System, and likewise welcomes the establishment of the European Asylum Support Office (EASO); considers that the activities and operations of FRONTEX and EASO need to be stable and permanent, so that the necessary support can be given to particularly badly affected Member States; stresses the need for greater solidarity among all EU Member States, in particular the most vulnerable ones, in order to achieve the most efficient policy coordination and burden sharing;

7. Notes that against a background of increasing multilateralism with several international players and major donors, such as the EU, the US, Japan, China and, potentially, in the longer term, other BRIC countries, such as Brazil and India, stability and security are a shared objective and an essential precondition for global economic growth; notes, further, that the stability and security challenges are such that they require not only relevant resources, at a time of budget constraints, but also economies of scale and coordinated efforts; believes that a process of reflection should be started on an active dialogue between the EU, the US, Japan and China and international financial institutions on coordinated geographical and thematic security, stability and aid strategies, which would make for greater collective leverage and the more balanced, targeted and efficient allocation of resources, whilst ensuring fair burden-sharing; believes, also in the light of the recent White House foreign aid review, which highlighted the value of aid coordination with other major donors, that an important first step in such a process of reflection could be an EU-US summit on enhanced cooperation on humanitarian and development aid in order to identify, from a transatlantic perspective, shared areas of interest and the bases for policy coordination;

8. Urges the Commission to ensure that any readmission agreement signed by the EU and its Member States fully respects human rights and the principle of 'non-refoulement' and does not put at risk any persons in need of international protection;

9. Notes that there are significant benefits to sheltering refugees in neighbouring countries, and calls for the EU to consider this as a priority;

10. Expresses its concern that there are currently around 38 fragile states (Failed States Index 2010; Fund for Peace) worldwide in which 1 billion (World Bank) people are affected by instability-related problems; notes that fragile states are the most vulnerable to internal and external shocks, both political and economic, and that state instability contributes to the migration process;

11. Considers that support for politically and economically fragile states, as a likely source of irregular migration and security- and stability-related tensions, should always include - in addition to budgetary relief and support, and strategies to establish or consolidate stability - direct investment and EU market-access strategies, rural development and food security strategies, MDG support, job-creation policies, infrastructure development, support for SMEs, microcredit facilities and strategies geared to promoting democratisation and good governance, social inclusion, the empowerment of women and minority or disadvantaged groups and ethnic and religious tolerance, thereby maximising local prospects and alternatives for potential migrants; firmly believes that such strategies must be based on active partnerships which draw on the principles of ownership and empowerment of the beneficiary countries, but also on targets, clear roadmaps and conditions for their achievement co-defined with donor countries, and on benchmarks and strict accountability standards; points out that programmes receiving such funding must have as their basic criterion the attainment of added value at both regional and local level, thereby ensuring that they contribute substantially to the development of local economies;

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12. Emphasises that any research and analysis of future migration trends and forms of migration such as short-term migration, circular migration and seasonal migration should take into account possible triggers of migration, for example political and economic crises or the impact of climate change in the countries of origin;

13. Calls on the European Union and the Member States to take action both internally and at international level to encourage countries of origin to adopt and implement measures and policies which enable them to develop socially, economically and democratically, so that their nationals are not compelled to migrate;

14. Calls on the Commission and the EEAS to make further efforts with regard to the development and democratisation of countries of origin and to promote the rule of law, in order to tackle the problems associated with migration at their root;

15. Encourages the establishment of migration information and management centres outside the EU in order to help third countries of origin or transit to define a migration policy in response to the concerns of potential migrants and returning migrants, offer guidance on legal immigration, as well as on job opportunities and living conditions in countries of destination, and help with job training for would-be migrants, building on the experience gained with the pilot project in Bamako, Mali (CIGEM); asks the Commission to provide the its committee responsible with regular reports on new initiatives to establish such centres;

16. Recalls that, in its resolution of 21 September 2010 on poverty reduction and job creation in developing countries: the way forward, it emphasised that the EU should not hesitate to apply sanctions when countries fail to respect their governance and human rights obligations under trade agreements, asked the EU authorities to ensure scrupulous respect for the principle of conditionality, as stipulated in the Cotonou Agreement, and emphasised that the same conditionality criteria should apply to the provision of support under both the European Development Fund (EDF) and the Financing Instrument for Development Cooperation (DCI); stresses that similar conditionality criteria also should apply to EU assistance other than development assistance and humanitarian aid, including the macro-financial aid provided via IMF loans, as well as lending operations by the EIB and EBRD programmes, and that such assistance should be based on partnership, shared objectives and values and allegiance and should be able to fulfil the expectations of both the donor and the beneficiary; stresses, further, that the active support from the EU to beneficiary countries should be effective and results-oriented and that the EU's core values should be respected; asks the VP/HR and the Commission to pursue the objective of allegiance to the EU and its core values when shaping the architecture of EU financial assistance and in bilateral relations with countries which are beneficiaries of such assistance; believes that a process of reflection should be started at EU level on the bases of and scope for the application of conditionality criteria to EU financial assistance;

17. Welcomes the human rights clauses in all EU bilateral trade agreements and supports the incorporation of the principle of conditionality in trade arrangements with developing countries via the Generalised System of Preferences; recognises that this conditionality principle is not always applied, as the Commission has proven to be reluctant to impose sanctions on developing countries which fail to honour commitments made regarding respect for human rights, good governance and democratisation; urges the Commission to consider sanctions whenever needed, but asks it to examine carefully the consequences of such sanctions for the populations of the beneficiary countries before doing so;

18. Considers that policies similar to those for countries of origin should also be applied to transit countries, for example regarding poverty-reduction strategies, direct investment and market access and the emphasis on an employment agenda, which can guarantee effective long-term social inclusion prospects, stabilise the internal job market and enhance the long-term potential of transit countries;

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19. Considers that in their management of irregular migration flows the EU and its Member States must fully respect the rights of asylum seekers and refrain from taking any actions that would discourage potential refugees from requesting protection;
20. Calls on the Commission to develop a mechanism for establishing where responsibilities lie for accommodating asylum seekers and examining their applications, as well as combating illegal migration, two areas in which a disproportionate burden is being borne by certain Member States by virtue of their geographical location or their demographic breakdown;
21. Urges the Commission to establish a monitoring system to check that refugees' and asylum-seekers' rights are respected when entry (and pre-entry) controls are carried out under the Schengen Borders Code, so that possible flaws can be detected promptly;
22. Stresses the value of EU election observation missions (EOM) as an important step in any process of democratisation and good governance, and believes that such missions should be part of a broader framework of support for a long-term democratisation process; urges the VP/HR to strengthen follow-up procedures and missions to verify whether EOM recommendations are implemented and emphasises, in this respect, that it is crucial to ensure adequate follow-up of the implementation of such recommendations; highlights the importance of mediation and conflict-prevention and resolution strategies, and of institution- and capacity-building for regional organisations, such as the African Union (AU), which plays an important role in peace-keeping and peace-building operations; believes that support for the AU should include the development of its border-control capacity and the provision of relief for all migrants in situations of distress; considers that the effective strengthening of regional organisations, such as the AU, the Union for the Mediterranean or the Eastern Partnership, as multipliers of regional peace and stability will foster regional integration and the emergence of cross-border economic areas;
23. Notes that progress has been made in implementing the Global Approach to Migration, which aims to promote comprehensive partnerships with countries of origin and transit and encourages synergies between migration and development; emphasises the need to improve further the use of the main tools of the Global Approach to Migration (mobility partnerships, migratory missions, migration profiles, cooperation platforms); stresses the continuing need to put migration policy objectives at the centre of the political dialogue with countries of origin and of transit, as well as the need to enhance policy coherence in this respect, in particular with development policy; takes the view that the various dialogue processes should be rationalised, whilst the synergies between migration and development should be strengthened; believes that efforts should be stepped up in order to support development projects in countries of origin and transit that raise these countries' living standards, increase their regulatory and institutional capacities, and enhance their infrastructure, in order to manage migratory flows effectively, whilst ensuring respect for international protection standards and the application of the principle of non-refoulement;
24. Stresses the important role of the Global Forum on Migration and Development, which provides a structured framework for the promotion of enhanced dialogue and cooperation between both governmental and non-governmental actors, including civil society;
25. Deplores the fact that in the current circumstances the only option available was the suspension of the agreement on EU-Libya cooperation, and takes the view that the suspension should be revoked as soon as there is a new transitional government willing to promote the democratic and human rights-based implementation of such an agreement, the aim being to provide financial support for African countries in order to create viable alternatives to migration and for the development in Libya of a more efficient system to manage labour migration, by maximising the skills of the migrants already present in the country, increasing the Libya's capacity to attract and socially and economically integrate migrants, in particular from countries on its southern borders, and creating the foundations for an effective migration management system in Libya; stresses, in this context, the need for the EU to use its influence to persuade Libya to allow the UNHCR to return to the country; believes that agreements on a cooperation agenda on migration should be reached with other countries in geographic proximity to the EU with a view to providing joint support, in accordance with international agreements, to fragile States in their neighbourhood;

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26. In addressing the current humanitarian crisis in northern Africa, notes that Frontex cannot be the main tool to deal with the resulting migration flows originating in the region, and calls on the EU to devise a prompt and coordinated response as part of a coherent, long-term strategy to deal with political transitions and fragile States, thus addressing the root causes of migration flows; urges the Council to put in place a burden-sharing action plan to help resettle refugees from the region, based on the solidarity clause set out in Article 80 of the TFEU, and to provide support for displaced persons in accordance with the provisions laid down in Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons, and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof; calls on the Council urgently to move forward with the adoption of a Common EU Asylum System and to complete the codecision procedures relating to the establishment of a Joint EU Resettlement Programme and the European Refugee Fund for the period 2008-2013, as recommended by Parliament in May 2010; recalls that Member States are required to observe the principle of non-refoulement;

27. Stresses the key importance of the European Parliament in enhancing freedom and democracy in our neighbourhood; in this context, believes that the European Parliament should monitor closely the democratisation process in the southern Mediterranean, and therefore suggests regular ad hoc structured dialogue with the VP/HR to assess developments in this region and so identify short- and long-term objectives and the relevant support measures required;

28. Insists that genuine attention should be paid to the dialogues on human rights and democracy in the revised ENP; believes that pro-democracy movements and demonstrations and their brutal repression by the authorities in countries such as Tunisia and Egypt prove that the ENP dialogues on democracy and human rights have not been effective;

29. Welcomes the completion of the negotiations on the EU-Turkey Readmission Agreement and calls for the successful completion of all the necessary phases to ensure that the Agreement is implemented fully, as soon as possible, by all parties;

30. Calls on the Commission to step up cooperation with the countries of transit and origin of illegal migrants under agreements concluded or to be concluded by the EU and under bilateral agreements between Member States and third countries, so as to curb illegal migration and encourage compliance with the law to the benefit of migrants and the inhabitants of the Member States and countries of origin;

31. Considers that harmonisation – in cooperation with the Member States – of migration-related statistics is essential to the effective planning, adoption, implementation and assessment of migration policy; stresses the importance of the European Migration Network (EMN), which could make a substantial contribution in this area;

32. Emphasises the urgent need for consistent, comprehensive and comparable statistical data about the migrant population, given that the constant changes in that population and the nature of current migration flows present a real challenge to policy-makers, who need reliable data and information on which to base their decisions;

33. Calls on the Commission to consider, as part of its ongoing review of the ENP, the provision of specific funding for the development of a renewed, strong economic agenda in ENP countries, including an employment agenda; believes that a roadmap should be discussed with ENP countries on the alignment of their national migration laws with EU standards, including human rights standards, such as the right to asylum, a protection system for irregular migrants and equal rights for all migrants; encourages the conclusion of more mobility partnership agreements with ENP countries, in addition to the existing ones with Moldova and Georgia;

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34. Calls for the establishment of a comprehensive migration policy which is linked to all development strategies and instruments and founded on a high level of political and operational solidarity, mutual trust, transparency, partnership, shared responsibility and joint efforts based on common principles and concrete actions, and on the values enshrined in the Lisbon Treaty;
35. Calls on the Commission to develop a comprehensive approach to legal migration, taking into consideration the European labour market's need for a labour force and the each Member State's capacity to receive and integrate migrants; believes that a common EU policy on legal migration can be a stimulus both for the European economy and for the economies of the countries of origin;
36. Takes the view that agreements with third countries that concern several EU Member States should be negotiated at European level in full compliance with Article 218 of the Treaty on the Functioning of the European Union;
37. Calls on the EU institutions and the Member States to coordinate donor aid more effectively so as to guarantee a more comprehensive and sustainable approach to migration-flow management;
38. Urges that development assistance be decoupled from migration-flow management and that development aid should not be made conditional on return migration; stresses that EU development aid should aim to eliminate the reasons for migration, such as poverty, climate change and hunger;
39. Emphasises the added value that the Union for the Mediterranean (UfM) and the Eastern Partnership initiative (EaP) could bring in dealing with the issue of migration and its implications; calls on the VP/HR and the Member States to step up efforts to make the UfM fully operational; believes that the issue of migratory flows should be a priority for action in the framework of the UfM and EaP;
40. Calls on the European Union to consider steps to revise the DCI, the EDF and the Instrument for Humanitarian Aid so as to enhance the positive effects of migration in terms of promoting human development and democracy in fragile states;
41. Calls for additional efforts to promote policy coherence for development within the EU's migration policy and to refrain from using Official development Assistance (ODA) for policies aimed at deterring and controlling migration in ways which involve the violation of migrants' human rights; considers that ODA should, however, be used to further effective development, thereby reducing migration caused by poverty, political instability and political oppression;
42. Welcomes the Tripoli Declaration issued at the conclusion of the Third Africa-EU Summit, which reaffirms the need for joint efforts to address the realities and challenges of migration and its links to development;
43. Calls for more effective partnerships with institutions promoting regional and economic integration, which can also contribute to finding lasting, long-term solutions to the realities of South-South migration;
44. Stresses that the Commission should do more research into climate-induced South-South migration, including into the number of people affected, vulnerable regions, migration movements and host countries' capacities; calls also for the research capacity of developing countries to be fostered;
45. Stresses the importance of integrating migration into partner countries' national development strategies in order to reduce poverty and achieve the MDGs;

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46. Welcomes the creation of the ACP Observatory on Migration as a useful instrument for providing policy-makers in ACP countries with data and tools to improve their national migration strategies, and the proposal to create a Migration Observatory responsible for permanently and closely monitoring all issues in connection with migratory flows in Latin America, under the supervision and coordination of the Europe–Latin America and Caribbean Foundation;
47. Recommends that the financial resources for strengthening the 'migration-development nexus' should be allocated more efficiently; recognises the need to improve the arrangements for the complementary and timely mobilisation of the EU's various financing instruments for its external action;
48. Stresses the need to strengthen LRRD strategies (aimed at linking relief, rehabilitation and development) in order to secure sustainable solutions for displaced persons and refugees; recognises the importance of a coordinated humanitarian response as a precursor to a viable development policy in post-conflict countries;
49. Calls on the VP/HR to invest in expertise and to establish a clear mandate for staff at both headquarters and delegation level in order to achieve better coordination between the Thematic Programme on Migration and Asylum and the geographic programmes under the DCI;
50. Calls for clarification of the respective roles of the EEAS and DEVCO, and for coordination between them; urges DEVCO to play a leading role in the programming phase for migration policy;
51. Stresses the importance of taking on board the lessons learnt from the Thematic Programme on Migration and Asylum in terms of policy dialogue at country level in order to ensure more coherent and effective programming in the context of country and regional strategy papers;
52. Urges the stepping-up of efforts to reduce the negative effects of the brain drain and the exodus of professionals, which particularly affect key sectors such as health and education; emphasises the importance of promoting brain gain, assisted return programmes and circular migration, regulating recruitment practices and supporting capacity-building by means of measures such as the development of vocational training; asks the Commission to study whether circular migration schemes are a useful instrument and which types of circularity (one-shot/recursive; short-term/long-term; spontaneous/managed) could produce the best results for both developing and developed countries;
53. Calls on the Commission, when preparing the new external action instruments for the period after 2013, to ensure that the proposed architecture allows for synergies and mutual reinforcement between the development pillar and the security and stability pillar and provides for the rapid allocation of emergency and recovery funds, a rapid response in order to provide relief and assistance for migrants in a situation of distress - particularly those who are in a very vulnerable situation, such as women and unaccompanied minors - specific programmes to provide active support for minorities, including religious, ethnic and LGBTT communities, which may be under threat, shelter in the EU for human rights defenders in a situation of distress and support measures to mitigate the consequences of climate change, deforestation, desertification and biodiversity loss and to preserve the economic and social environment of affected communities;
54. Calls for the development of policies which take into account the specific situation of vulnerable groups, such as women, children and persons with disabilities, and, by extension, for the provision of relevant infrastructure, such as hospitals, schools and educational equipment, and the necessary social, psychological and administrative support;

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55. Draws attention to the important role that rehabilitation centres for victims of torture have played in the successful integration of migrants, including refugees and asylum seekers, in the EU; notes with concern the decision that funding for these centres in the EU under the European Instrument for Democracy and Human Rights (EIDHR) is to be gradually phased out; calls on the Commission to ensure that funding for these centres is not cut and is not left only in the hands of the Member States;

56. Asks the Commission to publish the external evaluation of the Regional Protection Programmes (RPPs) and to initiate a debate on whether the RPPs should be continued;

57. With regard to CSFP/CSDP missions, believes, as also emphasised by the VP/HR, that it would be important to supplement security and stability strategies with ad hoc supporting development assistance and human rights strategies in order to ensure that in the long term the root causes of insecurity and instability are eradicated; in this context, points out that such a comprehensive approach requires not only better coordination, through the EEAS, but also additional ad hoc budgetary appropriations for such supporting strategies;

58. Instructs its President to forward this resolution to the President of the European Council, the Presidency of the Council of the European Union, the President of the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the EIB, the governments and parliaments of the Member States, the governments and parliaments of the EU candidate countries, the government and parliaments of the EURONEST and EUROMED member countries, the US State Department, the EBRD, the World Bank, the IMF, the African Union, the Pan-African Parliament, the International Organisation for Migration and the UNHCR.

Role of women in agriculture and rural areas

P7_TA(2011)0122

European Parliament resolution of 5 April 2011 on the role of women in agriculture and rural areas (2010/2054(INI))

(2012/C 296 E/02)

The European Parliament,

- having regard to the Treaty on European Union, particularly Articles 2 und 3 thereof, and the Treaty on the Functioning of the European Union, particularly Articles 8, 153 and 157 thereof,
- having regard to Council Decision 2006/144/EC of 20 February 2006 on Community strategic guidelines for rural development (programming period 2007 to 2013) ⁽¹⁾,
- having regard to Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ⁽²⁾,
- having regard to its resolution of 12 March 2008 on the situation of women in rural areas of the EU ⁽³⁾,
- having regard to the conclusions of the seminar on 'Women in the Sustainable Development of the Rural World' held on 27-29 April 2010 in Cáceres on the initiative of the Spanish Presidency of the EU ⁽⁴⁾,

⁽¹⁾ OJ L 55, 25.2.2006, p. 20.

⁽²⁾ OJ L 277 E 21.10.2005, p. 1.

⁽³⁾ OJ C 66 E 20.3.2009, p. 23.

⁽⁴⁾ Council document 09184/2010.

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- having regard to Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC ⁽¹⁾,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Agriculture and Rural Development (A7-0016/2011),

Rural areas geared to multifunctionality

- A. whereas the sustainable economic development of rural areas and the sustainable, long-term operational capability of economic units in Europe are priorities, and whereas the specific potential of relatively sparsely populated agricultural areas ought to be utilised and developed in a worthwhile way and so as to ensure that such areas continue to be inhabited,
- B. whereas regions that are – within their respective contexts – economically and culturally autonomous, with functional regional distribution circuits, can react to global changes in a more stable way,
- C. whereas a competitive agricultural sector geared towards multifunctionality is an essential basis for sustainable development strategies and for more far-reaching entrepreneurial activities in many regions, and whereas this type of potential, as part of a process of increased diversification of economic activity, has not yet been fully exploited in all areas,
- D. whereas rural areas are particularly affected by population ageing, low population density and, in some areas, depopulation,
- E. whereas, in future, as a result of demographic change, emigration and a general decrease in the proportion of women in the population of many rural areas, it will either not be possible, with existing infrastructure, to ensure adequate local provision of goods and essential everyday services, basic medical treatment and care, pre-school education, schooling and vocational and academic education and further training or adequate cultural and leisure provision, or else the structures for such provision will collapse under economic pressures,
- F. whereas about 42% of the 26,7 million people working regularly in agriculture in the European Union are women and at least one holding in five (around 29%) is managed by a woman,
- G. whereas the significant contribution made by women to local and community development is inadequately reflected in their participation in the relevant decision-making processes,
- H. whereas the principle of gender equality is a basic requirement under the Europe 2020 strategy and should be promoted in order to increase the active involvement of women in economic and social activities and to guarantee respect for human rights,

Women in the rural world and the rural economy

- I. whereas, against a background of economic and social change, the realities of women's lives in rural areas have altered and become more diverse in recent decades, women themselves having played no small part in initiating and effecting the changes, and their economic and social circumstances vary widely both within and between Member States,

⁽¹⁾ OJ L 180, 15.7.2010, p. 1.

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- J. whereas women in today's society assume multifunctional roles in the context of their individual family and occupational ties, and this very multiplicity of roles enables them to contribute significantly to progress and innovation at all levels of society and to the improvement of quality of life, especially in rural areas,
- K. whereas, especially in rural areas, family care and care for the elderly are frequently provided by women,
- L. whereas, thanks to years of effort with policies for women and the intensive public promotion of education, advice and business start-up initiatives, *inter alia* under the second pillar of the Common Agricultural Policy (CAP), there have clearly been impressive successes in improving men's and women's living conditions in the countryside,
- M. whereas, despite the high degree of individualisation in the way that people live, the basic challenge for both men and women will remain that of combining their own work and their social and cultural involvement, on the one hand, with responsibility for family, on the other,
- N. whereas, in the circumstances of modern society, this 'multifunctional challenge' can be met only by drawing on support services, facilities and structures, which need to be affordable and accessible,
- O. whereas the multifunctional role played by women in rural areas can contribute significantly to shaping a modern image of women in our society,
- P. whereas, for both men and women, employment rates are low in rural areas and indeed many women are never active in the labour market, so that they are neither registered as unemployed nor included in unemployment statistics,
- Q. whereas ensuring social cover for women who work in agriculture, including farmers' wives with additional sources of income (from combined earnings, individual self-employment or part-time self-employment) as well as temporary and migrant workers, is an essential factor in the modern, sustainable development of rural areas,
- R. whereas the owner of a farm is the only person mentioned on bank documents and for the purposes of subsidies and accumulated rights, and is also the only person to represent a farm within associations and groups,
- S. whereas rural tourism, involving the provision of goods and services in the countryside through family and cooperative tourist enterprises, is a low-risk business, creates jobs, makes it possible to combine family obligations with work and encourages the rural population to remain in the countryside,

Living and doing business in the rural world

1. Points out that the promotion of gender equality is a core objective of the EU and its Member States; stresses the importance of incorporating this principle into the CAP as a way to promote sustainable economic growth and rural development;
2. Points out that efforts are needed to create living conditions in rural areas which correspond to those in urban areas while reflecting the realities of the countryside, in order to offer women and their families reasons for staying and making a successful life there;
3. Calls for the rural world to be promoted as a multifaceted, integrated setting in which people can work and do business, and for the key function of women, their expertise and their competence to be used to this end;

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4. Calls on the Commission, therefore, in the negotiations on the next multiannual financial framework, to refrain from further reducing the proportion of the total budget accounted for by agricultural expenditure;
5. Emphasises that the wide range of rural businesses, including service-oriented businesses (e.g. farm tourism, direct marketing, social services, such as care of the elderly and childcare, learning on farms within the context of all-day schooling), underpins service provision in rural areas and should be supported in a sustainable way via the CAP; calls, therefore, for such services to be promoted via the CAP, both opening up new prospects and paid employment opportunities for women and significantly facilitating the reconciliation of family life and work;
6. Calls for the promotion of development strategies that have their own momentum, as a means of supporting the particular creativity of men and women in the countryside, while making use of the specific traditional resources of each rural community;
7. Stresses the importance of a viable, dynamic rural environment with a diverse population; emphasises, in that connection, the importance of adequate development opportunities and challenges for young women;
8. Calls for framework conditions to be provided in rural areas that will enable women of all generations to remain in their own immediate environment and contribute to revival and development there;
9. Stresses the importance of early retirement arrangements for farmers and farm workers with regard to living conditions for women in rural areas; calls on Member States which have not already done so to implement these arrangements;
10. Calls, in this regard, for further efforts to be made to equip all rural areas with the most up-to-date IT infrastructure, above all adequate broadband access, and for action to be taken to facilitate access to information and communication technologies and foster equal opportunities with regard to such access and appropriate training on how to use it; points out that poor levels of broadband access hinders the growth of small businesses in many rural areas across the EU; therefore urges the Commission and the Member States to abide by their commitment to improve broadband provision in rural areas as a way to boost competitiveness;
11. Calls for electronic forms of enterprise, such as e-business, which make it possible to do business irrespective of the distance from large urban centres, to be promoted and supported among women in rural areas;
12. Points out that, as in urban areas, it is crucial to improve the quality and accessibility of infrastructure, facilities and services for everyday life in rural areas in order to enable men and women to balance their family and professional lives and to preserve communities in rural areas; this would include childcare facilities as part of farm infrastructure (such as 'farm crèches' and other pre-school facilities), healthcare services, educational facilities (including for lifelong learning), institutions and care for the elderly and other dependants, replacement services in the event of illness and pregnancy, local outlets for everyday goods, and leisure and cultural facilities; calls for agricultural policies to be framed in such a way that women in rural areas are enabled to fulfil their potential in making multifunctional and sustainable farming a reality;
13. Urges the Member States to use the Structural Funds and the Cohesion Fund to remedy the lack of good transport infrastructure in rural areas and to implement positive policies to improve access to transport for all, particularly people with disabilities, as transport continues to be a factor in entrenching social exclusion and inequality in society, primarily affecting women;

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14. Calls for rural development policy to focus more strongly on creating innovative and sustainable living and working conditions in rural areas;

15. Calls on the European Union institutions, the Member States and regional and local authorities to support projects to promote and offer advice for the creation of innovative primary agricultural production enterprises in rural areas that are able to provide new jobs, especially for women, in spheres of action such as: adding value to agricultural products and seeking sales outlets for them, the use of new technologies and contributing to the economic diversification of the area and the provision of services which make it possible to reconcile working and family life;

16. Points out that, in relation to innovative forms of provision, the positive experience gained with projects for women already carried out under the second pillar of the CAP (in particular Axis 3 and the Leader+ programme) should be utilised, and examples of best practice identified;

17. Calls for rural development strategies to place special emphasis on the role of women in helping to achieve the objectives of the Europe 2020 strategy, in particular initiatives focusing on innovation, research and development;

18. Welcomes, in that connection, ESF/EQUAL projects which seek to throw light on and improve the position of women in agriculture and rural areas;

19. Calls for the new EAFRD Regulation to provide for specific measures to support women in the 2014-2020 programming period which would have a beneficial impact on female employment in rural areas;

Women in the rural economy

20. Calls on the Commission and the Member States to contribute to an informative database on the economic and social situation of women and their involvement in business in rural regions, and to optimise the use of data already available (e.g. from Eurostat) for the purposes of tailoring policy measures;

21. Is convinced that, given the circumstances of the rural world, training and counselling provision for women that has a specific rural focus must be maintained and developed, in particular in connection with the financial management of farms;

22. Considers it desirable to work towards the creation of a European rural women's network (or a network of women's associations) and draws attention to the successes achieved through CAP second-pillar measures;

23. Recognises the important role played by existing women's networks at various levels, particularly in terms of the local promotion of rural areas and the way they are perceived by the public; draws attention to the need for greater social recognition and for more political and financial support for these networks at local, national and European level, in view of their major contribution to achieving greater equality, particularly as regards training for women in rural areas and the launching of local development projects, including information campaigns on screening to ensure early diagnosis of female cancers (cervical cancer, breast cancer, etc.); calls on the Member States to support increased participation by women in the political process, including their proper representation on the boards of institutions, companies and associations;

24. Calls for social systems to make adequate provision for women in rural areas, taking account of their specific circumstances with regard to paid employment and pension entitlements;

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25. Welcomes, in this context, Directive 2010/41/EU and calls on the Member States to implement it effectively as soon as possible, in particular in order to ensure:

- that spouses and life partners of farmers receive social protection;
- that self-employed women farmers and female spouses of farmers are guaranteed adequate maternity benefits;

26. Draws attention to the need, especially in rural areas, for sustainable strategies to maintain the vocational skills of women who decide to take a career break to bring up families or act as carers; calls for the reconciliation of work and family life to be facilitated, with a view to enabling women to become or remain involved, and further develop their involvement, in various types of work;

27. Points out that 'farm diversification' is an increasingly important aspect of the rural economy; notes that the role of women in initiating, developing and managing 'farm diversification' projects is significant;

28. Calls for women's entrepreneurial spirit and initiatives to be encouraged, in particular through the promotion of female ownership, networks of female entrepreneurs, and provision in the financial sector for facilitating access for rural businesswomen (including individually self-employed women, part-time self-employed women with low earnings, and young women) to investment and credit – thus empowering them more effectively in the marketplace and enabling them to develop businesses from which they can make a stable living; calls also for action to be taken to improve the entrepreneurial attitude and skills of women in order to promote their representation in managerial bodies of enterprises and associations;

29. Calls on the relevant national, regional and local authorities to encourage the participation of women in local action groups and the development of local partnerships under the Leader programme, as well as to ensure gender-balanced participation on their management boards;

Women in agriculture

30. Calls for greater account to be taken, in company-level and regional-level development strategies, of women's agricultural and non-agricultural vocational skills; stresses how important it is for women farmers and other women in rural areas to be able to obtain qualifications and training as producers and entrepreneurs, and calls on the Commission and the Member States, in collaboration with regional and local authorities, rural organisations and women's and farmers' associations, to create incentives to promote women's participation in the labour force, to eliminate any discrimination against women at work, and to improve the training of women, including by promoting greater access to postgraduate training and specialist courses in educational establishments, to propose corresponding rural development measures under Axis 3 of the rural development programmes and to encourage existing initiatives; points out that these measures will contribute to the fight against social exclusion in rural areas and that the risk of falling into poverty is greater for women than for men;

31. Calls for support to be given to political efforts to further the role of women in agriculture by making it easier for them, in practical and in legal terms and including with regard to farm ownership, to be active as agricultural entrepreneurs so that – on the basis of their co-responsibility for farm businesses – they can be more closely involved in the associated rights and duties, including *inter alia* in the representation of interests on agricultural bodies and by having a real share in all forms of farm income;

32. Calls for support to be given to women's and farmers' organisations that play an important role in encouraging and initiating new development programmes and diversification in such a way that women can implement new ideas in order to diversify production and service-provision in rural areas;

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33. Takes the view that, as part of the forthcoming reform of the CAP, the needs of women in rural areas and the role of women working in agriculture should be taken into account and given priority as regards access to certain services and aid, in line with territorial needs in each Member State;
34. Is convinced that, in the medium term, women ought to be adequately represented in all political, economic and social bodies in the agricultural sector so that decision-making processes are informed by both female and male perspectives; highlights the importance of introducing specific actions for the benefit of women in order to guarantee that women participate in such bodies on an equal basis;
35. Calls on the Commission and the Member States to facilitate improved access to land and credit for women to encourage the establishment of women in rural areas and as actors in the agricultural sector;
36. Calls for a record to be compiled of previous strategies for ensuring social cover for women working in agriculture (as farmers, farm labourers, seasonal workers, etc.), including the implementation of Directive 2010/41/EU, with reference to country-specific property-law and tax-law situations, and to make this body of experience available for the purpose of developing adequate social cover for women in agriculture in the Member States;
37. Stresses that European policies regarding the living conditions of women in rural areas must also take into account the living and working conditions of female immigrants employed as seasonal farm workers, especially as regards the need for adequate accommodation, social protection, medical insurance and healthcare; emphasises the need to give the greatest possible value to these women's work;
38. Calls on the Commission to include in its summary report to be presented in 2011 under Article 14(1) of Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) an in-depth analysis of the impact of the measures taken regarding the situation of women in rural areas;

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

Efficiency and effectiveness of EU funding in the area of decommissioning nuclear power plants in the new Member States

P7_TA(2011)0123

European Parliament resolution of 5 April 2011 on the efficiency and effectiveness of EU funding in the area of decommissioning nuclear power plants in the new Member States (2010/2104(INI))

(2012/C 296 E/03)

The European Parliament,

- having regard to Accession Treaty Protocol No 4 on the Ignalina nuclear power plant in Lithuania, and Protocol No 9 on unit 1 and unit 2 of the Bohunice V1 nuclear power plant in Slovakia, and Article 30 of the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union,

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- having regard to the Council Regulations on the implementation of Protocol No 4 on the Ignalina nuclear power plant in Lithuania ⁽¹⁾, on the implementation of Protocol No 9 on Unit 1 and Unit 2 of the Bohunice V1 nuclear power plant in Slovakia ⁽²⁾ and on financial assistance of the Union with respect to the decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant in Bulgaria (Kozloduy Programme) ⁽³⁾,
 - having regard to the Communication from the Commission to the European Parliament and the Council on the use of financial resources earmarked for the decommissioning of nuclear installations (COM(2007)0794) and the accompanying document 'EU decommissioning funding data' (SEC(2007)1654),
 - having regard to the Commission Recommendation of 24 October 2006 on the management of financial resources for the decommissioning of nuclear installations ⁽⁴⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Industry, Research and Energy (A7-0054/2011),
- A. whereas the three EU candidate countries, Lithuania, Slovakia and Bulgaria, operated old nuclear power plants (NPPs) which were agreed to be closed, and the accession negotiations led to early fixed closure dates for the units in the three NPPs concerned,
- B. whereas the EU recognised that the early shut-down and subsequent decommissioning of these units in the three NPPs represented a significant financial and economical burden which could not be fully covered by the Member States concerned, and therefore the Treaties of Accession, as well as subsequent Council Regulations for the implementation of these Treaties, provided for financial assistance to the respective Member States; whereas, however, it was not clearly decided whether the assistance should cover the full cost of decommissioning or compensate for all economic consequences; notes that both Bulgaria and Slovakia for the time being remain net exporters of electricity,
- C. whereas the assistance provides for measures in the following areas:
- decommissioning (preparatory work for shutdown, support to the regulator, drawing up of documentation necessary for decommissioning and licensing, safe maintenance and surveillance after shutdown, waste treatment, waste and spent fuel storage and decontamination, and dismantling work),
 - energy (modernisation and environmental upgrading of existing facilities, replacement of the production capacity of shut-down units, improving security of energy supply and energy efficiency and other measures contributing to the necessary restructuring and upgrading of the energy infrastructure),
 - social consequences (support for plant personnel in maintaining a high level of safety in the periods prior to dismantling after closure, and re-training of staff for new tasks in decommissioning),

⁽¹⁾ OJ L 411, 30.12.2006, p. 10.

⁽²⁾ OJ L 131, 23.5.2007, p. 1.

⁽³⁾ OJ L 189, 13.7.2010, p. 9.

⁽⁴⁾ OJ L 330, 28.11.2006, p. 31.

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- D. whereas the assistance started before accession and before the respective units were shut down, and funds accumulated within the International Decommissioning Support Funds (IDSFs) while administrative preparations continued,
- E. whereas the decommissioning of nuclear facilities and the management of their waste is a technically complex operation requiring substantial financial resources and involving environmental, technical, social and financial responsibilities,
1. Notes that Lithuania, Slovakia and Bulgaria have fulfilled their accession treaty commitments to close the respective units in the three NPPs in a timely manner: Ignalina NPP Unit 1 was shut down on 31 December 2004 and Unit 2 on 31 December 2009; Bohunice V1 NPP Unit 1 was shut down on 31 December 2006 and Unit 2 on 31 December 2008; Kozloduy NPP Units 1 and 2 were shut down on 31 December 2002 and Units 3 and 4 on 31 December 2006;
 2. Notes also that all three Member States tried to re-negotiate their political commitments regarding closing the reactors and this led to delays in the process;
 3. Notes the existence of a legal basis for granting the financial assistance; notes that the amounts are established annually through a Commission decision, based on individual annual combined programming documents, permitting control over the development and financing of the approved projects;
 4. Notes that due to the limited EU experience and data in the field of decommissioning, the financial assistance was decided without the possibility of defining a financial ceiling; notes that there were still no clear conditions for specification on ceilings even after the plans and strategies for decommissioning had been drawn up, which meant that further financial assistance had to be decided on a stage-by-stage and case-by-case basis;
 5. Considers that the purpose of the Community assistance is to support these three Member States in coping with the financial and economical burden caused by early fixed closure dates, and to cover the cost of many important decommissioning activities, invest in energy projects with the aim of reducing energy dependency and help to mitigate the social impact of the decommissioning of the power plants; notes, however, that in all three cases the costs for decommissioning of the power plants have exceeded the planned EU assistance, and are also likely to exceed the initial estimates; notes also that a high share of the funds was used for energy projects and not for the main aim of the financial assistance, namely NPP decommissioning;
 6. Believes that the concept of European Union solidarity contributes effectively to mitigating the economic consequences of early closure in the energy sector; notes, however, that at the time of preparation of this report, the decommissioning itself is still in its initial stage;
 7. Notes that the decommissioning of the nuclear power plants concerned should be assigned the highest priority in the interests of the safety and health of all the people of Europe;
 8. Fears that a lack of financial resources for decommissioning measures will delay the decommissioning of nuclear power plants and threaten the environment and human health;
 9. Stresses that the issue of safety is of the utmost importance for the decommissioning of early closed units in the three NPPs in question; invites, therefore, the Council, the Commission and the Member States to bear that in mind in any future decisions concerning nuclear decommissioning in general and these three decommissioning programmes in particular; calls on the Commission to arrange for adequate coordination with the Member States and to establish precise timetables for the completion of the projects;

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10. Notes with concern that the detailed decommissioning plans of the three decommissioning programmes in question have not yet been finalised and, as a consequence, that there is insufficient information on the timetables, the costs of particular projects, and their sources of funding; urges therefore the relevant national bodies to finalise the plans and the Commission to report on this process and to provide a detailed long-term financial planning of the decommissioning projects; invites the Commission to clearly describe the scope of the EU financing required to accomplish these plans;

11. Calls on the Commission to study ways of altering the EU's methods of financing decommissioning operations in view of the strategies employed in the Member States and their national administrative structures, and simplifying the rules on management of the funds in such a way that they do not affect the safety and security of the decommissioning operations;

12. Notes the lack of a clear distribution of responsibility among the participants in the financing and the participants in the process of decommissioning; believes that the Commission should bear the main responsibility for the implementation of the EU assistance and that a joint management with the EBRD should be put in place;

13. Considers that, for the purpose of awarding contracts, it would be desirable to apply a criterion of Community reciprocity for the benefit of European enterprises, with the application in particular of the principles set forth in Article 58 of Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating, inter alia, in the energy sector;

14. Notes that the total financial assistance from the European Union to the three Member States until the end of 2013 comes to EUR 2 847,78 million; points out that, although differences among the NPPs exist, especially as regards fuel storage, in principle the programmes share the same technology; notes, however, that there are considerable differences in the allocated amounts: Ignalina (2 units) EUR 1 367 million; Bohunice (2 units): EUR 613 million; and Kozloduy (4 units) EUR 867,78 million;

15. Notes, according to data available at the end of 2009, the differing situations among the Member States regarding the amounts disbursed: Ignalina: total EUR 1 367 million, committed EUR 875,5 million (64,04 %), disbursed EUR 760,4 million (55,62 %); Bohunice: total EUR 613 million, committed EUR 363,72 million (59,33 %), disbursed EUR 157,87 million (25,75 %); Kozloduy: total EUR 867,78 million, committed EUR 567,78 million (65,42 %), disbursed EUR 363,149 million (41,84 %), mostly due to the different timing of the closure;

16. Considers it necessary for the funds to be managed and their resources to be used with absolute transparency; recognises the importance of sound and transparent management of financial resources, with appropriate external supervision, to ensure fair competition on the energy market; recommends transparency and public participation in this field;

17. Takes note of the following completed audits and evaluations: 'Midterm Evaluation of the Decommissioning Assistance to Lithuania and Slovakia' (2007); EC internal audits of all three programmes in 2007; European Court of Auditors (ECA) audits of CPMA in 2008 and 2009 regarding Ignalina; ECA audit for preparation of DAS 2008; ECA feasibility study in 2009; and notes the following ongoing activities: Communication from the Commission expected in early 2011; EC external financial audit for BIDSF, ECA; full performance audit for all three programmes;

18. Considers that, taking into account the large amounts of money involved, the novelty regarding the utilisation of funds, the unknown factors which emerged throughout the process, and the numerous subsequent alterations, adaptations and allocation of additional amounts, the number and scope of the audits performed appear to be insufficient; regrets that the Commission's September 2007 Mid-term evaluation of the decommissioning assistance to Lithuania and Slovakia did not cover Bulgaria (which was already receiving assistance at the time);

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19. Regrets the lack of annual reports from the Commission to the European Parliament on the use of financial resources earmarked for the decommissioning of nuclear power plants; calls therefore on the Commission to monitor and report annually to the Parliament on the improvements in use of the funds and on the likelihood that the accumulated funds for the decommissioning of these specific units in the three NPPs will be absorbed over the next three years;

20. Invites the Commission to conduct an analysis in order to ascertain that the possibility of allocating amounts for upcoming decommissioning projects until 2013 exists, especially since the decommissioning licences will be released for Bohunice in July 2011 and for Kozloduy at the end of 2011 and the end of 2012;

21. Invites the Commission to provide comparative information on the implementation of the initial and revised schedules for different stages of the decommissioning processes, as well as on measures in the energy and social domains, prior to any further allocation of EU funds;

22. Invites the Commission to report on the particular improvements stemming from the establishment of a Member State Management Committee in 2007 to assist it in the implementation of the assistance programmes, and to give an account of the procedural changes since that time;

23. Notes that the ECA audit is still ongoing; suggests that this should help to reveal the objectives of the use of the funds and their effectiveness, as well as viable proposals for the future, and assess the additional funding required in order to perform the decommissioning; suggests that, being a full performance audit, it should clarify the following:

- whether the funds were used for the purposes for which they were intended,
- whether procurement procedures were properly drawn up and respected,
- whether the money allocated contributed to increasing safety in the decommissioning activity;
- whether the procurement procedures ensured that the companies involved will provide safety to EU standards,
- whether there are activities where OLAF is involved,
- whether proper coordination among the three existing programmes occurred, in order to make efficient use of experience gained and of previously prepared and financed projects, and in what regards the decommissioning programmes overlapped (given, for example, that there are several similar projects related to storage, personnel qualification, etc which could have been adapted from one NPP to another, leading to savings);

24. Suggests that, as regards future activities to be financed from EU allocated amounts within the 2007-2013 period, further issues need clarifying:

- whether the already existing plans and strategies are complete or whether the possibility of adding new activities and subsequently additional funds still exists,
- whether the overall temporary storage capacity, and a procedure to select a final domestic disposal site for final radioactive waste, are complete or not,
- whether there is still a need for further amounts to be allocated for energy projects or whether it is necessary to focus on the decommissioning projects,

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- whether, in the event that this has not been the case so far, the experience and projects used for one NPP should be carried over to the others as well;

25. Notes with concern the lack of an EU team of coordinators and experts of all three projects, which would have enabled the decommissioning programme to be treated as a whole package based on EU experience, thus enabling synergies between the three cases;

26. Stresses that enhanced coordination between the three programmes is needed in order to ensure better planning of activities and sharing of experience gained amongst them; considers that the European Union as a whole can also benefit from this experience as reactors are taken out of service at the end of their economic lives; therefore invites all parties involved to develop and collect best decommissioning practices and to ensure the best use of the experience and data gained amongst the other Member States with nuclear power plants;

27. Calls on the Commission to set up a Coordination Team, which should be in charge of:

- supervising the elaboration of a final plan with a clear timetable,
- supervising the use of money allocated so far,
- establishing whether there is further need for an EU role and if so, determining the exact level of EU involvement,
- deciding upon responsibilities, including the role of the EBRD, and overseeing the finalisation of the decommissioning process;

28. Notes that the polluter-pays principle should be applied to the financing of decommissioning operations and that nuclear operators should ensure that adequate financial resources to cover future decommissioning costs are set aside during the productive life of nuclear installations;

29. Notes that the early closure of the reactors prevented the planned accumulation of needed amounts in the respective national funds designed to cover all costs associated with the decommissioning of the plants;

30. Calls on the Commission, taking into account the various strategies employed by the Member States, to explore possible ways of harmonising approaches to the funding of decommissioning in the EU in order to ensure timely accumulation of the necessary financial resources without compromising the safety and security of the decommissioning process;

Ignalina NPP

31. Welcomes the fact that most of the Ignalina programme's projects for energy efficiency and securing of the electricity supply are currently under implementation or have already been implemented;

32. Notes with concern that key waste infrastructure management projects (spent fuel storage and waste repository project) have experienced serious delays that incurred additional costs with respect to original estimates; notes that available slack in the system is almost exhausted and that delays may start to impinge upon the critical path for the whole decommissioning plan, with a commensurate increase in cost; calls on the Commission to report on the results of the reassessment of the project timeline;

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33. Notes that a large part of the funds was allocated to energy projects, that considerable financing is still required for decommissioning and that national funds are not sufficient to cover this: the State Ignalina NPP Decommissioning Fund has so far accumulated just over EUR 100 million (while the technical costs of decommissioning alone range from EUR 987 million to EUR 1 300 million), and a significant proportion of that has been used on non-decommissioning projects; calls for appropriate measures to be taken in this respect, particularly by the Member State;

Bohunice NPP

34. Welcomes the progress on the Bohunice programme;

35. Notes that while Community assistance is projected for the decommissioning of nuclear facilities, in particular V1 reactors, as well as for security of supply, the national Nuclear Fund did not set aside any specifically earmarked source of funding for the ongoing A1 decommissioning project;

36. Notes that some decommissioning projects, such as the reconstruction of the area's physical protection system, the historical waste treatment project and construction of the interim storage of RAW at the Bohunice site, have experienced significant delays in their implementation; urges the Commission and the Slovakian side to take steps to prevent the delays and to avoid jeopardising the scheduled progress of decommissioning work;

Kozloduy NPP

37. Welcomes the overall good technical and financial performance of the Kozloduy programme, and the review of the decommissioning strategy for Units 1 to 4, which was changed from an initial deferred dismantling strategy to an immediate continuous dismantling strategy;

38. Notes with concern a rather high share of energy projects in the distribution of allocated public funds; calls on the Commission to monitor the implementation of the remaining energy projects and to report on the results; calls for an increase in the proportion of 'Decommissioning and Waste' projects in the remaining period of the Kozloduy programme;

39. Stresses the need for comprehensive administrative coordination between the State Enterprise for Radioactive Waste (SERAW) and Kozloduy NPP, now responsible for Units 1-2 and Units 3-4 respectively; invites the Bulgarian side to analyse and promptly implement necessary improvement measures with regard to this divided management, and/or to bring together Units 1-4 under a common management;

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40. Instructs its President to forward this resolution to the Council and the Commission, and to the governments of Bulgaria, Lithuania and Slovakia.

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New EU policy framework to fight violence against women

P7_TA(2011)0127

European Parliament resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women (2010/2209(INI))

(2012/C 296 E/04)

The European Parliament,

- having regard to the provisions of the UN legal instruments in the sphere of human rights, in particular those concerning women's rights, such as the UN Charter, the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the 1951 Convention relating to the Status of Refugees, and the principle of non-refoulement,
- having regard to other UN instruments on violence against women, such as the Vienna Declaration and Programme of Action of 25 June 1993 adopted by the World Conference on Human Rights (A/CONF.157/23) and the Declaration on the Elimination of Violence against Women of 20 December 1993 (A/RES/48/104),
- having regard to the UN General Assembly resolutions of 12 December 1997 entitled 'Crime prevention and criminal justice measures to eliminate violence against women' (A/RES/52/86), of 18 December 2002 entitled 'Working towards the elimination of crimes against women committed in the name of honour' (A/RES/57/179), and of 22 December 2003 entitled 'Elimination of domestic violence against women' (A/RES/58/147),
- having regard to the reports by the UN High Commissioner for Human Rights' Special Rapporteurs on violence against women and to General Recommendation No 19 adopted by the Committee on the Elimination of Discrimination Against Women (11th session, 1992),
- having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995 and to Parliament's resolutions of 18 May 2000 on the follow-up to the Beijing Action Platform ⁽¹⁾ and of 10 March 2005 on the follow-up to the Fourth World Conference on Women - Platform for Action (Beijing+10) ⁽²⁾ and of 25 February 2010 on the follow-up to the Beijing Action Platform (Beijing +15) ⁽³⁾,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the UN General Assembly resolution of 19 December 2006 entitled 'Intensification of efforts to eliminate all forms of violence against women' (A/RES/61/143), and to UN Security Council Resolutions 1325 and 1820 on women, peace and security,
- having regard to the work of the Council of Europe's Ad hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO), established in December 2008 to prepare a future Council of Europe Convention on this subject,
- having regard to the EPSCO Council Conclusions of 8 March 2010 on violence,

⁽¹⁾ OJ C 59, 23.2.2001, p. 258.

⁽²⁾ OJ C 320 E, 15.12.2005, p. 247.

⁽³⁾ OJ C 348 E, 21.12.2010, p. 11.

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- having regard to its position of 14 December 2010 on the draft directive of the European Parliament and of the Council on the European Protection Order ⁽¹⁾,
 - having regard to its resolution of 26 November 2009 on the elimination of violence against women ⁽²⁾,
 - having regard to its Declaration of 21 April 2009 on the ‘Say NO to Violence against Women’ campaign ⁽³⁾,
 - having regard to its resolution of 24 March 2009 on combating female genital mutilation in the EU ⁽⁴⁾,
 - having regard to the Commission’s Strategy for equality between women and men 2010-2015 which was presented on 21 September 2010,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Women’s Rights and Gender Equality (A7-0065/2011),
- A. whereas no single intervention will eliminate gender-based violence, but a combination of infrastructural, legal, judicial, enforcement, educational, health, and other service-related actions can significantly reduce it and its consequences,
- B. whereas although there is no internationally recognised definition of the term ‘violence against women’, it is defined by the United Nations as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life ⁽⁵⁾,
- C. whereas violence is a traumatic experience for any man, woman or child, but gender-based violence is preponderantly inflicted by men on women and girls, and both reflects and reinforces inequalities between men and women and compromises the health, dignity, security and autonomy of its victims,
- D. whereas studies on gender-based violence estimate that one-fifth to one-quarter of all women in Europe have experienced physical acts of violence at least once during their adult lives, and more than one-tenth have suffered sexual violence involving the use of force; whereas research also shows that 26 % of children and young people report physical violence in childhood,
- E. whereas advertising and pornography often portray various types of gender-based violence, therefore trivialising violence against women and hindering gender equality strategies,
- F. whereas male violence against women shapes women’s place in society: their health, access to employment and education, integration into social and cultural activities, economic independence, participation in public and political life and decision-making, and relations with men,

⁽¹⁾ Texts adopted, P7_TA(2010)0470.

⁽²⁾ OJ C 285 E, 21.10.2010, p. 53.

⁽³⁾ OJ C 184 E, 8.7.2010, p. 131.

⁽⁴⁾ OJ C 117 E, 6.5.2010, p. 52.

⁽⁵⁾ Article 1 of the UN Declaration on the Elimination of Violence Against Women of 20 December 1993 (A/RES/48/104); point 113 of the United Nations 1995 Beijing Platform for Action.

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- G. whereas in many cases women fail to lodge complaints against acts of gender violence against them, for reasons that are complex and diverse and include psychological, economic, social and cultural factors, while they may also lack trust in the police, the legal system and the social and health services,
- H. whereas gender-based violence, predominantly by men against women, is a structural and widespread problem throughout Europe and the world, is a phenomenon that involves victims and perpetrators of all ages, educational backgrounds, incomes and social positions and is linked to the unequal distribution of power between women and men in our society,
- I. whereas economic stress often leads to more frequent, more violent and more dangerous abuse; whereas studies have shown that violence against women intensifies when men experience displacement and dispossession as a result of the economic crisis,
- J. whereas violence against women encompasses a wide range of human rights violations, including: sexual abuse, rape, domestic violence, sexual assault and harassment, prostitution, trafficking of women and girls, violation of women's sexual and reproductive rights, violence against women at work, violence against women in conflict situations, violence against women in prison or care institutions, and several harmful traditional practices; whereas any one of these abuses can leave deep psychological scars, damage the general health of women and girls, including their reproductive and sexual health, and in some instances results in death,
- K. whereas in several Member States male violence against women in the form of rape is not treated as an offence giving rise to ex officio prosecution ⁽¹⁾,
- L. whereas comparable data on different types of violence against women in the European Union are not collected on a regular basis, which makes it difficult to ascertain the real extent of the problem and to find appropriate solutions; whereas it is very difficult to collect reliable data as women and men are reluctant, due to fear or shame, to report their experiences to the relevant stakeholders,
- M. whereas, according to the existing studies concerning Council of Europe member states, the annual cost of violence against women is estimated to be in the region of EUR 33 billion ⁽²⁾,
- N. whereas women in the European Union are not equally protected against male violence, due to differing policies and legislation across Member States,
- O. whereas the European Union, with the Lisbon Treaty, has a broader competence in the area of judicial cooperation in criminal matters, including on criminal procedural law and substantive criminal law, as well as in the area of police cooperation,
- P. having regard to the alarming number of women who are victims of gender violence,

⁽¹⁾ 2010 Commission study entitled 'Feasibility study to assess the possibilities, opportunities and needs to standardise national legislation on violence against women, violence against children and sexual orientation violence', p. 53.

⁽²⁾ 'Combating violence against women – Stocktaking study on the measures and actions taken in Council of Europe member states', Council of Europe, 2006.

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- Q. whereas the harassment of mothers and pregnant women is another form of violence or abuse suffered by women, which takes place primarily within the family or couple and in the social and professional spheres, leading to them either being dismissed from or voluntarily leaving their jobs and to situations of discrimination and depression,
- R. whereas the Commission stressed in its strategy for gender equality 2010-2015 that gender-based violence was one of the key problems to be addressed in order to achieve genuine gender equality,
- S. whereas the Commission announced that it would submit a proposal in 2011 for a strategy to combat violence against women, but no explicit reference to this strategy was made in the Commission Work Programme for 2011,
1. Welcomes the commitment by the Commission in its Action Plan implementing the Stockholm Programme to present in 2011-2012 a 'Communication on a strategy to combat violence against women, domestic violence and female genital mutilation, to be followed up by an EU action plan' ⁽¹⁾;
2. Proposes a new comprehensive policy approach against gender-based violence including:
- a criminal-law instrument in the form of a directive against gender-based violence,
 - measures to address the 'six-P' framework on violence against women (policy, prevention, protection, prosecution, provision, and partnership),
 - demands on Member States to ensure that perpetrators are punished in accordance with the gravity of the crime,
 - demands on Member States to ensure training for officials likely to come into contact with cases of violence against women – including law enforcement, social welfare, child welfare, healthcare and emergency centre staff – in order to detect, identify and properly deal with such cases, with a special focus on the needs and rights of victims,
 - requirements for Member States to demonstrate due diligence and to record and investigate all forms of gender-based violence crimes in order to initiate public prosecution,
 - plans to develop specific investigative routines for police and health sector professionals in order to secure evidence of gender-based violence,
 - the creation of partnerships with higher education institutions with a view to providing training courses on gender-based violence for professionals in the relevant fields, especially judges, criminal police officials, health and education professionals and victim support staff,
 - policy proposals to help victims rebuild their lives, addressing the specific needs of different groups of victims such as minority women, in addition to ensuring their safety and re-establishing their physical and psychological health, and measures encouraging the exchange of information and best practices on dealing with survivors of violence against women,

⁽¹⁾ COM(2010)0171 Delivering an area of freedom, security and justice for Europe's citizens, Action plan Implementing the Stockholm Programme, p. 13.

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- the integration of specific identification and diagnosis mechanisms within hospital emergency services and the primary care network, with a view to consolidating a more efficient access and monitoring system for the victims concerned,
 - demands on Member States to provide shelters for victims of gender-based violence in cooperation with relevant NGOs,
 - minimum requirements as to the number of victim support structures per 10 000 inhabitants for victims of gender-based violence in the form of centres with specific expertise to help victims,
 - the establishment of a European charter setting out a minimum level of assistance services to be offered to victims of violence against women, including: the right to legal aid; the creation of shelters to meet victims' needs for protection and temporary accommodation; urgent psychological aid services to be provided free of charge by specialists on a decentralised and accessible basis; and financial aid arrangements aimed at promoting victims' independence and facilitating their return to normal life and the world of work,
 - minimum standards to ensure that victims have professional support in the form of advice from a legal practitioner irrespective of their role in the criminal proceedings,
 - mechanisms to facilitate access to legal aid enabling victims to assert their rights throughout the Union,
 - plans to develop methodological guidelines and undertake new data collection efforts to obtain comparable statistical data on gender-based violence, including female genital mutilation, in order to identify the extent of the problem and to provide a basis for a change in action towards the problem,
 - the establishment, in the next five years, of a European Year Against Violence Against Women with the aim of raising awareness among European citizens,
 - demands on the Commission and Member States to take appropriate measures on prevention, including awareness-raising campaigns, where relevant in cooperation with NGOs,
 - the implementation of measures in wage agreements and greater coordination between employers, trade unions and enterprises, as well as between their respective management bodies, in order to furnish victims with relevant information on their employment rights,
 - an increased number of courts specifically handling gender-based violence; more resources and training materials on gender-based violence for judges, public prosecutors and lawyers; and improvements to the specialist units in law enforcement bodies, by increasing their staff numbers and improving their training and equipment;
3. Urges the Member States to recognise rape and sexual violence against women, particularly within marriage and intimate informal relationships and/or where committed by male relatives, as a crime in cases where the victim did not give consent, to ensure that such offences result in automatic prosecution, and to reject any reference to cultural, traditional or religious practices as a mitigating factor in cases of violence against women, including so-called 'crimes of honour' and female genital mutilation;
4. Recognises that violence against women is one of the most serious forms of gender-based violations of human rights and that domestic violence – against other victims such as children, men and the elderly – is also a hidden phenomenon that affects too many families to be ignored;

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5. Stresses that exposure to physical, sexual or psychological violence and abuse between parents or other family members has a severe impact on children;
6. Calls for Member States where child witnesses of all forms of violence are concerned to develop age-appropriate psychosocial counselling that is specifically tailored to children to cope with their traumatic experiences and that due regard is given to the best interests of the child;
7. Highlights that migrant women, including undocumented migrant women, and women asylum-seekers form two subcategories of women that are particularly vulnerable to gender-based violence;
8. Stresses the importance of suitable training for all those working with women who are victims of gender-based violence, especially of those representing the legal system and law enforcement, with special reference to the police, judges, social workers and healthcare workers;
9. Calls on the European Commission, using all available expertise, to develop and provide annual statistics on gender-based violence, including figures on how many women are killed annually by their partner or ex-partner, based on data from the Member States;
10. Emphasises that research into the area of violence against children, young people and women, and on a more general level on gender and sexual violence, should be included as a multidisciplinary research area in the future Eighth Framework Programme for Research and Technological Development;
11. Asks the Commission to consider establishing an observatory on violence against women based on the reporting of court cases involving violence against women;
12. Calls on the Commission to continue its efforts to combat gender-based violence through Community programmes, especially the Daphne programme that has already been successful in combating violence against women;
13. Notes that the European Union Agency for Fundamental Rights (FRA) will survey a representative sample of women from all Member States regarding their experiences of violence, and asks that the focus be placed on examining the responses women receive from the various authorities and support services when reporting;
14. Urges Member States, in their national statistics, to show clearly the magnitude of gender-based violence and to take steps to ensure that data are collected on gender-based violence, *inter alia* on the sex of the victims, the sex of the perpetrators, their relationship, age, crime scene, and injuries;
15. Calls on the Commission to submit a study on the financial impact of violence against women, building on research using methodologies that can financially quantify the impact of this form of violence on health services, welfare systems and the labour market;
16. Calls on the EU Fundamental Rights Agency and the European Institute for Gender Equality to carry out research which looks at the pervasiveness of violence in teenage relationships and the impact this has on their welfare;
17. Notes that stalking, of which 87 percent of all victims are female, causes psychological trauma and severe emotional stress and should therefore be considered as a form of violence against women and be subject to a legal framework in all Member States;

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18. Notes that traditional harmful practices such as Female Genital Mutilation (FGM) and so-called 'honour killings' are highly contextualised forms of violence against women and therefore urges the Commission to give specific attention to traditional harmful practices in its strategy to combat violence against women;
19. Recognises the serious problem of prostitution, including child prostitution, in the European Union, and requests further studies into the link between the legal framework in the Member State in question and the form and extent of the prostitution taking place; draws attention to the worrying increase in human trafficking into and within the EU – a trade which targets women and children in particular – and urges Member States to take firm action to combat this illegal practice;
20. Asks Member States to acknowledge the serious problem of surrogacy which constitutes an exploitation of the female body and her reproductive organs;
21. Emphasises that women and children are subject to the same forms of exploitation and both can be regarded as commodities on the international reproductive market, and that these new reproductive arrangements, such as surrogacy, augment the trafficking of women and children and illegal adoption across national borders;
22. Notes that domestic violence has been identified as a major cause of miscarriage or stillbirth and of maternal deaths during childbirth, and asks the Commission to focus more closely on violence against pregnant women in which the offender harms more than one party;
23. Points out that civil society, particularly NGOs, women's associations and other public and private voluntary organisations providing support to victims of violence, offers a service of great value, particularly by assisting women victims who wish to break the silence in which violence encloses them, and should be given support by the Member States;
24. Reiterates the need to work with both victims and aggressors, with a view to enhancing awareness in the latter and helping to change stereotypes and socially determined beliefs which help perpetuate the conditions that generate this type of violence and acceptance of it;
25. Calls on the Member States to provide shelters for women in order to help women and children live a self-determined life free of violence and poverty, and that these offer specialised services, medical treatment, legal aid, psychosocial and therapeutic counselling, legal support during court procedures, support for children affected by violence, etc;
26. Emphasises that Member States should devote appropriate resources to preventing and combating violence against women, including through recourse to the Structural Funds;
27. Stresses the importance of the Member States and the regional and local authorities taking action to facilitate the return to the labour market of women who have been victims of gender-based violence through instruments such as the ESF or the Progress Programme;
28. Calls on the EU and its Member States to establish a legal framework that gives immigrant women the right to hold their own passport and residence permit and makes it possible to hold a person criminally responsible for taking these documents away;

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29. Reiterates the view expressed in its resolution of 25 February 2010 that the European Union, within the new legal framework established by the Treaty of Lisbon, should become a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its optional protocol;
30. Calls on the Commission and the Member States to address violence against women and the gender-related dimension of human rights violations internationally, in particular in the context of bilateral association and international trade agreements in force and those under negotiation;
31. Instructs its President to forward this resolution to the Council and the Commission.
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European international investment policy

P7_TA(2011)0141

European Parliament resolution of 6 April 2011 on the future European international investment policy (2010/2203(INI))

(2012/C 296 E/05)

The European Parliament,

- having regard to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 7 July 2010 entitled ‘Towards a comprehensive European international investment policy’ (COM(2010)0343), as well as to the Commission Proposal of 7 July 2010 for a Regulation of the European Parliament and of the Council establishing transitional arrangements for bilateral investment agreements between Member States and third countries (COM(2010)0344),
 - having regard to the Communication from the Commission of 3 March 2010 entitled ‘Europe 2020 – A strategy for smart, sustainable and inclusive growth’ (COM(2010)2020), and to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 9 November 2010 entitled ‘Trade, Growth and World Affairs – Trade Policy as a core component of the EU’s 2020 strategy’ (COM(2010)0612),
 - having regard to the Council Conclusions of 25 October 2010 on a comprehensive European international investment policy,
 - having regard to the updated OECD Guidelines for Multinational Enterprises,
 - having regard to the case-law of the Court of Justice of the European Union on the failure by Member States to fulfil their obligations, and notably to the judgment of 3 March 2009 in *Commission v Austria* (Case C-205/06), the judgment of 3 March 2009 in *Commission v Sweden* (Case C-249/06), and the judgment of 19 November 2009 in *Commission v Finland* (Case C-118/07),
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade and the opinions of the Committee on Development and the Committee on Economic and Monetary Affairs (A7-0070/2011),
- A. whereas the Treaty of Lisbon brought foreign direct investment (FDI) under exclusive EU competence, as enshrined in Articles 3(1)(e), 206 and 207 of the Treaty on the Functioning of the European Union (TFEU),
- B. whereas since 1959 more than 1 200 bilateral investment treaties (BITs) have been concluded by the Member States at bilateral level and nearly 3 000 BITs have been concluded in total,
- C. whereas it is generally acknowledged that inward investment can improve host countries’ competitiveness but adjustment assistance for low-skilled workers may be necessary in the case of outward investment; whereas it is the responsibility of any government to encourage the beneficial impacts of investments while preventing any harmful effects,

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- D. whereas Articles 206 and 207 TFEU do not define FDI, whereas the Court of Justice of the European Union ⁽¹⁾ has specified its understanding of the term FDI, on the basis of three criteria: it should be considered as a long-lasting investment, representing at least 10 % of the affiliated company's equity capital / shares and providing the investor with managerial control over the affiliated company's operations, whereas this definition is in line with those of the IMF and the OECD and is opposed to, in particular, portfolio investments and intellectual property rights; whereas it is difficult to distinguish clearly between FDI and portfolio investments and applying a rigid legal definition to investment practice in the real world will be hard,
- E. whereas some Member States use broad definitions of the term 'foreign investor', with a simple postal address deemed sufficient to determine the nationality of an enterprise, whereas this has enabled some enterprises to file suits against their own countries via BITs signed by third countries, whereas any European company should be able to rely on future EU investment agreements or free trade agreements (FTAs) with investment chapters,
- F. whereas the emergence of new countries with strong investment capacity as local or global powers has changed the classic view whereby the only investors were from developed countries,
- G. whereas after the first dispute settlement cases of the 1990s, and in spite of generally positive experiences, a number of problems became clear because of the use of vague language in agreements being left open for interpretation, particularly concerning the possibility of conflict between private interests and the regulatory tasks of public authorities, for example in cases where the adoption of legitimate legislation led to a state being condemned by international arbitrators for a breach of the principle of 'fair and equitable treatment',
- H. whereas the USA and Canada, which were among the first states to face such rulings, have adapted their model BITs in order to restrict the breadth of interpretation by the arbitration and ensure better protection of their public intervention domain,
- I. whereas the Commission has compiled a list of countries which will be privileged partners for the negotiation of the first investment agreements (Canada, China, India, Mercosur, Russia and Singapore),
- J. whereas the newly established European External Action Service (EEAS) shall also reinforce the EU's global presence and role, including the promotion and defence of the EU's trade goals, in the investment field,
1. Acknowledges that, as a result of the Treaty of Lisbon, FDI now falls under the exclusive competence of the EU; notes that this new EU competence poses a double challenge, on one hand for managing the existing BITs and on the other hand for defining a European investment policy which meets the expectations of investors and beneficiary states but also the EU's broader economic interests and external policy objectives;
 2. Welcomes this new EU competence and calls on the Commission and the Member States to seize this opportunity to build with Parliament an integrated and coherent investment policy which promotes high-quality investments and makes a positive contribution to worldwide economic progress and sustainable development; takes the view that Parliament must be adequately involved in the shaping of the future investment policy and that this requires proper consultation on the mandates for upcoming negotiations, as well as regular meaningful briefings on the state of ongoing negotiations;

⁽¹⁾ Judgment of 12 December 2006 in Test Claimants in the FII Group Litigation v Commissioners of Inland Revenue (Case C-446/04).

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3. Notes that the EU is an important economic bloc that carries considerable weight in negotiations; believes that a common policy on investment will meet the expectations of both investors and the states concerned and help increase the competitiveness of the EU and its businesses and to increase employment;
4. Notes the need for a coordinated European framework, one that is designed to provide certainty and to encourage the promotion of the principles and objectives of the EU;
5. Recalls that the current phase of globalisation has seen a dramatic increase in FDI, reaching in 2007, the year before investment was affected by the global economic and financial crisis, a record high of almost EUR 1 500 billion, with the EU being the largest source of FDI in the entire global economy; underlines, however, that in 2008 and 2009 investment has declined due to the global financial and economic crisis; stresses also that about 80 % of the total value of global FDI concerns cross-border mergers and acquisitions;
6. Welcomes the Commission's Communication 'Towards a comprehensive European international investment policy' but stresses that, while focusing extensively on investor protection, it should better address the right to protect the public capacity to regulate and meet the EU's obligation to exercise policy coherence for development;
7. Considers that investment can have a positive impact on growth and jobs, not only in the EU but also in developing countries, insofar as investors actively contribute to the development goals of the host states, i.e. by supporting the local economy through technology transfer and by utilising local labour and inputs;
8. Calls on the Commission to bear in mind the lessons learnt on a multilateral, plurilateral and bilateral level, in particular regarding the failure of OECD negotiations on a Multilateral Agreement on Investment;
9. Urges the Commission to develop the EU's investment strategy in a careful and coordinated manner drawing on the best practices of BITs; notes the divergence of content within Member State agreements and calls on the Commission to reconcile these divergences to provide a strong EU template for investment agreements, which would also be adjustable according to the level of development of the partner country;
10. Calls on the Commission to issue non-mandatory guidance as expediently as possible, e.g. in the form of a template for BITs, that may be used by Member States to enhance certainty and consistency;

Definitions and scope

11. Asks the Commission to provide a clear definition of the investments to be protected, including both FDI and portfolio investment; considers, however, that speculative forms of investment, as defined by the Commission, shall not be protected; insists that where intellectual property rights are included in the scope of the investment agreement, including these agreements where draft mandates have already been proposed, the provisions should avoid negatively impacting the production of generic medicines and must respect the TRIPS exceptions for public health;
12. Notes with concern that negotiating a broad variety of investments would lead to mixing exclusive and shared competences;

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13. Calls for the introduction of the term 'EU investor' which would, reflecting the spirit of Article 207 TFEU, underline the significance of promoting investors from all Member States on equal terms, ensuring them conditions of functioning and protection of their investments on equal footing;

14. Recalls that the standard EU Member State BIT uses a broad definition of 'foreign investor'; asks the Commission to assess where this has led to abusive practices; asks the Commission to provide a clear definition of a foreign investor based on this assessment and drawing on the latest OECD benchmark definition of FDI;

Investor protection

15. Stresses that investor protection for all EU investors must remain the first priority of investment agreements;

16. Notes that the negotiation of BITs is a time-consuming process; calls on the Commission to invest in terms of its personnel and its material resources in the negotiation and conclusion of EU investment agreements;

17. Considers that the request made by the Council in its conclusions on the Communication – that the new European legal framework should not negatively affect investor protection and guarantees enjoyed under the existing agreements – could create a risk of having any new agreement opposed, and could lead to the necessary balance between investor protection and the protection of the right to regulate – in an era of increased inward investment – being put at risk; considers, moreover, that such a formulation of the evaluation criterion may contradict the meaning and spirit of Article 207 TFEU;

18. Believes that the need to identify best practices, to which the Council's conclusions also point, is a more sensible and more effective option, enabling the development of a consistent European investment policy;

19. Considers that future investment agreements concluded by the EU should be based on the best practices drawn from Member State experiences and include the following standards:

- non-discrimination (national treatment and most favoured nation), with a more precise wording in the definition mentioning that foreign and national investors must operate 'in like circumstances' and allowing some flexibility in the MFN-clause in order not to obstruct regional integration processes in developing countries;
- fair and equitable treatment, defined on the basis of the level of treatment established by international customary law,
- protection against direct and indirect expropriation, giving a definition that establishes a clear and fair balance between public welfare objectives and private interests, and allowing for adequate compensation in accordance with the damages occurred in the event of illegitimate expropriation;

20. Asks the Commission to assess the potential impact of the inclusion of an umbrella-clause in future European investment agreements and to present a report to both the European Parliament and the Council;

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21. Calls on the Commission to ensure reciprocity when negotiating market access with its main developed trading partners and the major emerging economies, while bearing in mind the need to exclude sensitive sectors and to maintain asymmetry in the EU's trading relations with developing countries;

22. Notes that the expected improvement in certainty will help SMEs to invest abroad, and notes in this regard that the voice of SMEs must be heard during negotiations;

Protecting the right to regulate

23. Stresses that future investment agreements concluded by the EU must respect the capacity for public intervention;

24. Expresses its deep concern regarding the level of discretion of international arbitrators to make a broad interpretation of investor protection clauses, thereby leading to the ruling out of legitimate public regulations; calls on the Commission to produce clear definitions of investor protection standards in order to avoid such problems in the new investment agreements;

25. Calls on the Commission to include in all future agreements specific clauses laying down the right of parties to the agreement to regulate, inter alia, in the areas of protection of national security, the environment, public health, workers' and consumers' rights, industrial policy and cultural diversity;

26. Underlines that the Commission shall decide on a case-by-case basis on sectors not to be covered by future agreements, for example sensitive sectors such as culture, education, public health and those sectors which are strategically important for national defence, and asks the Commission to inform the European Parliament about the mandate it received in each case; notes that the EU should also be aware of the concerns of its developing partners and should not call for more liberalisation if the latter deem it necessary for their development to protect certain sectors, particularly public services;

Inclusion of social and environmental standards

27. Stresses that the EU's future policy must also promote investment which is sustainable, respects the environment (particularly in the area of extractive industries) and encourages good quality working conditions in the enterprises targeted by the investment; asks the Commission to include, in all future agreements, a reference to the updated OECD Guidelines for Multinational Enterprises;

28. Reiterates, with regard to the investment chapters in wider FTAs, its call for a corporate social responsibility clause and effective social and environmental clauses to be included in every FTA the EU signs;

29. Requests that the Commission assess how such clauses have been included in Member State BITs and how they could be included in future stand-alone investment agreements as well;

30. Welcomes the fact that a number of BITs currently have a clause which prevents the watering-down of social and environmental legislation in order to attract investment and calls on the Commission to consider the inclusion of such a clause in its future agreements;

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Dispute settlement mechanism and EU responsibility

31. Believes that changes must be made to the present dispute settlement regime, in order to include greater transparency, the opportunity for parties to appeal, the obligation to exhaust local judicial remedies where they are reliable enough to guarantee due process, the possibility to use amicus curiae briefs and the obligation to select one single place of investor-state arbitration;

32. Takes the view that, in addition to state-to-state dispute settlement procedures, investor-state procedures must also be applicable in order to secure comprehensive investment protection;

33. Is aware that the EU cannot use existing International Centre for Settlement of Investment Disputes (ICSID) and United Nations Commission on International Trade Law (UNCITRAL) dispute settlement mechanisms since the EU as such is a member of neither organisation; calls on the EU to include a chapter on dispute settlement in each new EU investment treaty in line with the reforms suggested in this resolution; requests that the Commission and the Member States take up their responsibility as major international players to work towards the necessary reforms of the ICSID and UNCITRAL rules;

34. Calls on the Commission to put forward solutions that enable small businesses to improve their funding of the high cost of dispute settlement procedures;

35. Calls on the Commission to present, as soon as possible, a regulation on how responsibilities are to be divided between the EU and national levels, particularly in financial terms, in the event that the EU loses a case in international arbitration;

Choice of partners and powers of Parliament

36. Endorses the principle that priority partners for future EU investment agreements shall be countries that have great market potential but where foreign investments need better protection;

37. Notes that investment risk is generally higher in developing and least developed countries and that strong, effective investor protection in the form of investment treaties are key to protecting European investors and can improve governance, thereby bringing about the stable environment needed to increase FDI into these countries; notes that, for investment agreements to further benefit these countries, they should also be based on investor obligations in terms of compliance with human rights and anti-corruption standards as part of a broader partnership between the EU and developing countries for the purpose of reducing poverty; calls on the Commission to assess viable future partners, drawing on Member State best practices with BITs;

38. Expresses its concern that FDI in least developed countries is extremely limited and tends to be concentrated in natural resources;

39. Considers that in developing countries greater support should be given to local firms, notably through incentives for strengthening their productivity, engaging in closer cooperation and improving workforce skills – areas of considerable potential in terms of boosting economic development, competitiveness and growth in developing countries; encourages, likewise, the transfer of new, green EU technologies to developing countries, as the best way of promoting green and sustainable growth;

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40. Urges Parliament's position to be taken fully into account by the Commission and the Member States before investment negotiations are initiated, as well as during such negotiations; recalls the content of the Framework Agreement on relations between the European Parliament and the Commission and calls on the Commission to consult Parliament on draft negotiating mandates in good time to enable it to state its position, which must, in turn, be properly taken into account by the Commission and the Council;

41. Stresses the need to include the role of the EEAS delegations in the strategy of the future investment policy, acknowledging their potential and local know-how as strategic assets in achieving the new policy goals;

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

Protection of Communities' financial interests – Fight against fraud

P7_TA(2011)0142

European Parliament resolution of 6 April 2011 on the protection of the Communities' financial interests – Fight against fraud – Annual Report 2009 (2010/2247(INI))

(2012/C 296 E/06)

The European Parliament,

- having regard to its resolutions on previous annual reports of the Commission and the European Anti-Fraud Office (OLAF),
- having regard to the report of 14 July 2010 from the Commission to the Council and the European Parliament entitled 'Protection of the European Union's financial interests – Fight against fraud – Annual Report 2009' (COM(2010)0382) and its accompanying documents (SEC(2010)0897 and SEC(2010)0898),
- having regard to OLAF's Tenth Activity Report – Annual Report 2010 ⁽¹⁾,
- having regard to the Annual Report of the Court of Auditors on the implementation of the budget concerning the financial year 2009, together with the institutions' replies ⁽²⁾,
- having regard to the Annual Report of the Court of Auditors on the activities funded by the eighth, ninth and tenth European Development Funds (EDFs) concerning the financial year 2009, together with the Commission's replies ⁽³⁾,
- having regard to Articles 319(3) and 325(5) of the Treaty on the Functioning of the European Union,
- having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁴⁾,

⁽¹⁾ http://ec.europa.eu/anti_fraud/reports/olaf/2009/en.pdf

⁽²⁾ OJ C 303, 9.11.2010, p. 1.

⁽³⁾ OJ C 303, 9.11.2010, p. 243.

⁽⁴⁾ OJ L 248, 16.9.2002, p. 1.

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- having regard to its declaration of 18 May 2010 on the Union's efforts in combating corruption ⁽¹⁾, with a view to ensuring that EU funds are not subject to corruption,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Budgetary Control (A7-0050/2011),

General considerations

1. Regrets that, in general, the Commission's report on the Protection of the European Union's financial interests – Fight against fraud – Annual Report 2009 (COM(2010)0382) (the 'PIF report 2009'), presented in accordance with Article 325(5) of the Treaty on the Functioning of the European Union (TFEU), does not provide information on the estimated level of irregularities and fraud in individual Member States, as it concentrates on the level of reporting, and it is therefore not possible to have an overview of the actual level of irregularities and fraud in the Member States and to identify and discipline those with the highest level of irregularities and fraud;
2. Stresses that fraud is an example of purposeful wrongdoing and is a criminal offence, and that an irregularity is a failure to comply with a rule; regrets that the Commission's report fails to consider fraud in detail and deals with irregularities very broadly; points out that Article 325 of the Treaty on the Functioning of the European Union relates to fraud, not irregularities, and calls for a distinction to be made between fraud and errors or irregularities;
3. Points out that over the last few years techniques have been developed for measuring fraud as part of a broader attempt to combat corruption, and urges the Commission to boost these research efforts and to implement, initially as pilot projects, in cooperation with Member States, appropriate new methodologies which are being developed to measure the phenomena of irregularities and fraud;
4. Calls on the Commission to exercise its responsibility in ensuring compliance by Member States in their reporting obligations with a view to providing reliable and comparable data on irregularities and fraud even if this requires the Commission to modify the penalty system for non-compliance with these reporting obligations;
5. Deplores the fact that large amounts of EU funds are still wrongly spent and calls on the Commission to take appropriate action with a view to ensuring prompt recovery of those funds;
6. Is concerned about the level of outstanding irregularities not recovered or declared unrecoverable in Italy at the end of the fiscal year of 2009;
7. Calls on the Commission to hold Member States more accountable for the amount of irregularities that have yet to be recovered;
8. Notes that Union legislation requires Member States to report all irregularities no later than two months after the end of the quarter in which an irregularity has been subject to a primary administrative or judicial finding and/or new information about a reported irregularity becomes known; calls on the Member States to make all the necessary efforts, including the streamlining of national administrative procedures, to meet the required deadlines and reduce the time gap between the identification and the reporting of an irregularity; calls on the Member States to act primarily as protectors of taxpayers' money in their efforts to combat fraud;

⁽¹⁾ Texts adopted, P7_TA(2010)0176.

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9. Asks what steps the Commission has taken to combat the increase in suspected fraud, in number of cases and amounts as compared to the total number of cases of irregularities in the Member States of Poland, Romania, and Bulgaria;

10. Is concerned at the suspiciously low suspected fraud rates in Spain and France, especially considering their size and the financial support received, as described by the Commission in the PIF report 2009, and therefore calls on the Commission to include detailed information on the applied reporting methodology and the fraud detection capability in these states;

11. Calls on those Member States which have not yet ratified either the Convention of 26 July 1995 on the protection of the European Communities' financial interests ⁽¹⁾ or its protocols ⁽²⁾ (the PIF instruments) i.e. the Czech Republic, Malta and Estonia, to proceed with the ratification of those legal instruments without delay; urges those Member States which have ratified the PIF instruments to step up their efforts to reinforce their national criminal legislation to protect the Union's financial interests, in particular by addressing the existing shortcomings revealed in the second report from the Commission on Implementation of the Convention on the Protection of the European Communities' financial interests and its protocols (COM(2008)0077);

12. Welcomes the introduction in 2009 of the Irregularity Management System (IMS), an application developed and maintained by OLAF, and the positive developments it has brought about; is concerned that the Commission explains the increase in the number of cases reported and the financial impact by the use of new technological reporting; calls on the Commission to provide Parliament with a detailed methodology of the newly implemented technological reporting and to include it in next year's report; calls on the Member States to fully implement the IMS and to further improve their reporting compliance;

13. Asks the Commission to include in its next year's report the amount of irregularities reported using the new technological reporting as against the traditional methods of reporting; calls on the Member States to improve the speed with which irregularities are reported;

14. Reiterates its regret – given the serious doubts about the quality of the information provided by the Member States – that the Commission puts more effort into convincing the European Parliament of the need to introduce a 'tolerable risk of error' than into persuading Member States of the need for mandatory national management declarations duly audited by the national audit office and consolidated by the Court of Auditors; calls on the Commission, in cooperation with the Member States and by drawing up an appropriate report in line with the Treaty, to provide Parliament with a reasonable assurance that this objective has been attained and that action to combat fraud is being carried out properly;

Revenue: Own resources

15. Is concerned about the amount of fraud as compared to irregularities in the Own Resources sector in the Member States Austria, Spain, Italy, Romania, and Slovakia, as fraud constitutes more than half the total amount of irregularities in each Member State; calls on the Member States to take all necessary measures, including close cooperation with European institutions, to address all causes of fraud relating to EU funds;

16. Deplores the deficiencies in national customs supervision revealed by the Court of Auditors – in particular as regards the performance of risk analysis for the selection of traders and imports to be subject to customs controls – which increase the risk of irregularities remaining undetected and could lead to a loss of Traditional Own Resources (TOR); calls on the Member States to strengthen their customs supervision systems and on the Commission to provide the relevant support in that respect;

⁽¹⁾ OJ C 316, 27.11.1995, p. 48.

⁽²⁾ OJ C 313, 23.10.1996, p. 1, OJ C 151, 20.5.1997, p. 1 and OJ C 221, 19.7.1997, p. 11.

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17. Emphasises the fact that around 70 % of all customs import procedures are simplified, which means that they have a substantial impact on the collection of TOR and on the effectiveness of the common trade policy; finds unacceptable, in that context, the lack of effective controls on simplified procedures for imports in the Member States, as revealed in the Special Report of the Court of Auditors No 1/2010, and calls on the Commission to further investigate the effectiveness of controls for simplified procedures in the Member States, and in particular to investigate progress in the conduct by Member States of ex-post audits, and to present the results of such investigation to the Parliament by the end of 2011;

18. Notes the outcome of investigations carried out by OLAF in the area of own resources; is deeply concerned at the scale of fraud involving merchandise imported from China, and urges the Member States to recover the sums in question without delay;

19. Welcomes the successful outcome of the joint customs operation Diabolo II, involving customs officials from 13 Asian countries and 27 EU Member States, coordinated by the European Commission through OLAF;

20. Welcomes the agreements the European Union and its Member States have concluded with tobacco manufacturers to combat the illicit tobacco trade; is of the opinion that it is in the EU's financial interest to continue working to combat cigarette smuggling, from which the annual loss of revenue for the EU budget is estimated at around EUR one billion; urges OLAF to continue playing a leading role in the international negotiations for a Protocol on the Elimination of the Illicit Trade in Tobacco Products under Article 15 of the World Health Organization Framework Convention on Tobacco Control, which would help to combat illicit trade in the Union; and takes the view that the EUR 500 million to be paid by the two companies concerned – British American Tobacco and Imperial Tobacco – should also be used by the Commission and the Member States concerned to reinforce anti-fraud measures;

Expenditure: Agriculture

21. Welcomes the Commission's conclusion that the overall reporting discipline in this policy group has improved and that compliance now stands at 95 %; calls on those Member States which still do not report in good time (Austria, Finland, the Netherlands, Slovakia and the United Kingdom) to remedy the situation promptly;

22. Calls on the Commission to monitor closely the situation in Spain and Italy, which reported, respectively, the highest number of cases of irregularities and the highest amounts involved, and to report to the European Parliament on the specific measures undertaken in order to address the problems in those two Member States;

23. Calls on the Commission to ascertain whether the disparity between higher expenditure and a minimum rate of reported irregularities, and the significant variation in the rates of irregularities reported (Estonia 88,25 %; Cyprus, Hungary, Latvia, Malta, Slovenia and Slovakia 0.00 %), are related to the effectiveness of the control systems, with a view to carrying out a review of those systems;

24. Is deeply concerned at the Court of Auditors' finding that payments for the year 2009 in this policy group were affected by material error and that the supervisory and control systems were generally, at most, partially effective in ensuring the regularity of payments; deplors the finding of the Court of Auditors that, although the Integrated Administration and Control System (IACS) is, in principle, well designed, its effectiveness is adversely affected by inaccurate data in the databases, incomplete cross-checks or incorrect or incomplete follow-up of anomalies; calls on the Commission to closely monitor the effectiveness of the supervisory and control systems in place in Member States to ensure that information on the irregularity rate per Member State represents a true and fair view of the actual situation; calls on the Commission to address the weaknesses in the effectiveness of IACS;

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25. Notes that final figures can only be established for those financial years that can be deemed finalised, and that in this light, to date, the most recent financial year that can be deemed finalised is 2004;

26. Deplores the catastrophic situation regarding the overall recovery rate in this policy group, which in 2009 was 42 % of the EUR 1 266 million outstanding at the end of the 2006 financial year; is particularly concerned at the Court of Auditors' observation that the EUR 121 million recovered in the years 2007-2009 from the beneficiaries represents less than 10 % of total recoveries; finds that situation unacceptable and calls on the Member States to urgently address it; urges the Commission to take all necessary steps in order to put in place an effective system of recovery and to inform the European Parliament, in its next year's report on the protection of EU's financial interests, of the progress made;

Expenditure: Cohesion Policy

27. Deplores the fact that the data contained in the PIF report 2009 does not provide a reliable picture of the number of irregularities and fraud in this policy group, as a high level of irregularities and/or fraud may simply be an indication of efficient reporting and/or anti-fraud systems;

28. Is deeply concerned at the fact that payments for the year 2009 were found by the Court of Auditors to be affected by high material error (above 5 %);

29. Notes that one important source of error in cohesion spending is a serious failure in applying public procurement rules; asks, therefore, the Commission to propose, without delay, new legislation to simplify and modernise these rules;

30. Is deeply concerned at the Court of Auditors' finding that at least 30 % of the errors found by the Court in the 2009 sample could have been detected and corrected by the Member States prior to certifying the expenditure to the Commission on the basis of the information available to them; calls on the Member States to intensify their efforts in order to enhance their detection and correction mechanisms;

31. Calls on the Commission to provide the European Parliament with information on the measures that have been taken with regard to the irregularities reported by the Member States and detected by the Commission in this policy group;

32. Is not satisfied by a recovery rate exceeding 50 % for the programming period 2000-2006; urges the Member States to deploy further efforts for the recovery of irregular amounts and calls on the Commission to take action to ensure a higher recovery rate, given that the Commission implements the budget on its own responsibility, as stated in Article 317 TFEU;

Expenditure: Pre-accession funds

33. Is deeply concerned about the suspected high fraud rate in Bulgaria for the Special Accession Programme for Agriculture and Rural Development (SAPARD) in 2009, which – for the whole programming period – stands at 20 % and represents the highest rate seen in all funds analysed (Cohesion and Agriculture); notes that more suspected fraud cases were initiated by external controls/interventions than by internal/national ones; notes that the Commission exercised its obligations properly in suspending the payments from SAPARD in 2008 and lifted that suspension on 14 September 2009 after thorough checks; calls on the Commission to continue supervision of the Bulgarian authorities in order to further improve this situation;

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34. Notes that the Czech Republic, Estonia, Latvia and Slovenia reported a zero fraud rate for SAPARD, and questions the reliability of the reported information or the fraud detection capability of those States; underlines that similar zero or low level fraud rates could signify weaknesses in the control systems and vice versa; urges the Commission to provide data on effectiveness of control mechanisms and to implement, together with OLAF, stricter control on how EU money is spent;

35. Finds unacceptable the very low recovery rate for suspected fraud in the pre-accession funds, which is only 4.6 % for the whole programming period, and calls on the Commission to put in place an efficient system in order to address this situation;

Public procurement, increased transparency and the fight against corruption

36. Calls on the Commission, the relevant Union agencies and the Member States to take measures and provide resources to ensure that EU funds are not subject to corruption, to adopt dissuasive sanctions where corruption and fraud are found, and to step up the confiscation of criminal assets involved in fraud, tax evasion and money-laundering-related crimes;

37. Calls on the Commission and the Member States to design, implement and periodically evaluate uniform systems of procurement to prevent fraud and corruption, to define and implement clear conditions for participation in public procurement, and criteria on which public procurement decisions are made, and also to adopt and implement systems to review public procurement decisions at national level, to ensure transparency and accountability in public finances, and to adopt and implement risk management and internal control systems;

38. Welcomes the Commission's Green Paper on the modernisation of EU public procurement policy 'Towards a more efficient European Procurement Market'; calls on the Council and Commission to finalize the adoption of the reform of the basic EU public procurement rules (Directives 2004/17/EC and 2004/18/EC) by no later than the end of 2012;

39. Following its request in its last year's report on the protection of the Communities' financial interests, urges OLAF to present in its next annual report a detailed analysis of the strategies and measures put in place by each Member State in the fight against fraud and for preventing and identifying irregularities in the spending of European funds, including where these are caused by corruption; considers that specific attention should be paid to the implementation of agricultural and structural funds; takes the view that the report, with 27 country profiles, should analyse the approach followed by national judicial and investigating bodies and the quantity and quality of controls performed, as well as statistics and reasons in the cases where national authorities did not file indictments following reports by OLAF;

40. Following its request in the last year's report on the protection of the Communities' financial interests, urges the Council to complete the conclusion of the Cooperation Agreements with Liechtenstein in the shortest possible time and urges the Council to give the Commission a mandate to negotiate antifraud agreements with Andorra, Monaco, San Marino and Switzerland;

41. Urges the Commission to take action to ensure one-stop transparency of the beneficiaries of EU funds; calls on the Commission to design measures to increase the transparency of legal arrangements and a system whereby all beneficiaries of EU funds are published on the same website, independently of the administrator of the funds and based on standard categories of information to be provided by all Member States in at least one working language of the Union; calls on the Member States to cooperate with

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the Commission and provide it with full and reliable information regarding the beneficiaries of the EU funds managed by Member States; invites the Commission to evaluate the system of 'shared management' and provide Parliament with a report as a matter of priority;

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

Political parties at European level and rules regarding their funding

P7_TA(2011)0143

European Parliament resolution of 6 April 2011 on the application of Regulation (EC) No 2004/2003 on the regulations governing political parties at European level and the rules regarding their funding (2010/2201(INI))

(2012/C 296 E/07)

The European Parliament,

- having regard to Article 10(4) of the Treaty on European Union and Article 224 of the Treaty on the Functioning of the European Union,
 - having regard to Article 12(2) of the Charter of Fundamental Rights of the European Union,
 - having regard to Regulation (EC) No 2004/2003 of the European Parliament and of the Council of 4 November 2003 on the regulations governing political parties at European level (political parties and their foundations as defined in Article 2(3) and (4) thereof) and the rules regarding their funding ⁽¹⁾ (the Funding Regulation), particularly Article 12 thereof,
 - having regard to its resolution of 23 March 2006 on European political parties ⁽²⁾,
 - having regard to the Secretary-General's report to the Bureau of 18 October 2010 on party funding at European level, submitted pursuant to Article 15 of the Bureau decision of 29 March 2004 ⁽³⁾ on implementing the Funding Regulation,
 - having regard to the Bureau note of 10 January 2011 as the revised version of the Bureau decisions taken on 13 December 2010,
 - having regard to Rules 210(6) and 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A7-0062/2011),
- A. whereas Article 10(4) of the Treaty on European Union states that 'political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union', while Parliament and the Council, in accordance with Article 224 of the Treaty on the Functioning of the European Union, lay down the regulations governing these parties and their political foundations and, in particular, the rules regarding their funding,

⁽¹⁾ OJ L 297, 15.11.2003, p. 1.

⁽²⁾ OJ C 292 E, 1.12.2006, p. 127.

⁽³⁾ Amended by Bureau decision of 1 February 2006 and 18 February 2008.

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- B. whereas the Charter of Fundamental Rights of the European Union states clearly that political parties at Union level contribute to expressing the political will of the citizens of the Union,
- C. whereas the European Union must function on the basis of the principle of 'representative democracy', as stated in Article 10(1) of the Treaty on European Union,
- D. whereas the foundations for European political parties were laid in the Treaties of Maastricht and Nice, which introduced the possibility of funding and thus gave them operational autonomy vis-à-vis the parliamentary groups,
- E. whereas in 2007, following a call by Parliament ⁽¹⁾, the Commission presented a proposal introducing the funding of political foundations at European level (European political foundations), which was adopted in December 2007, with a view to supporting the European political parties in the debate on public policy issues and on European integration,
- F. whereas the 2007 amending Regulation ⁽²⁾ seeks to facilitate the integration process for European political parties by enabling the political parties within the Union to structure and organise themselves more effectively,
- G. whereas the 2007 amending Regulation considerably enhanced the role of the European political parties in elections to the European Parliament by stipulating that their expenditure could include funding for election campaigns; whereas, however, this option was restricted by the condition that the appropriations concerned should not be used for the direct or indirect funding of national political parties or candidates,
- H. whereas all the European political parties that are funded have signed a code of conduct, regarded by the Bureau as binding on all parties, laying down rules to be complied with during election campaigns,
- I. whereas the enhancement of the role of European political parties is necessarily tied to their involvement in elections to the European Parliament,
- J. whereas the 2007 amending Regulation calls for more formal recognition of the European political parties,
- K. whereas the 2007 amending Regulation is oriented towards the creation of fully organised and effective political parties at European and Member State level through a balanced process of institutionalisation,
- L. whereas the 2007 amending Regulation seeks to bring about the organisational convergence of political parties and their foundations at European level, while at the same time recognising the different tasks pursued by, respectively, political parties and political foundations,
- M. whereas this organisational convergence can be achieved only by establishing a common political, legal and fiscal status for the European political parties, although this must not entail any standardisation of the organisation of European political parties and their foundations, for which the European political parties and their foundations themselves have sole competence,
- N. whereas the requirement to adopt a legal statute for the European political parties and their political foundations based on the law of the European Union is a clear and substantial step towards enhancing democracy in the Union,

⁽¹⁾ Resolution of 23 March 2006 on European political parties, paragraph 14 (OJ C 292 E, 1.12.2006, p. 127).

⁽²⁾ Regulation (EC) No 1524/2007 of the European Parliament and of the Council of 18 December 2007, OJ L 343, 27.12.2007, p. 5.

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- O. whereas organisational and functional convergence and improvements to the funding process can be achieved only by adopting a uniform and common European statute for all European political parties and their political foundations based on the law of the European Union,
- P. whereas the regulation on political parties at European level does not draw a distinction between the recognition and the funding of political parties,
- Q. whereas the Bureau note of 10 January 2011 recommended tightening the criteria for the funding of European political parties; whereas this amounts to a restriction of party competition at European level as long as the criteria for the legal recognition and funding of political parties are identical,
- R. whereas the 2007 amending Regulation provides a clear legal and financial basis for the establishment of integrated political parties at European Union level in order to raise European awareness and effectively express the will of the citizens of the European Union,
- S. whereas the funding of European political parties is subject to the provisions of Title VI, 'Grants', of the Financial Regulation ⁽¹⁾ and its Implementing Rules ⁽²⁾,
- T. whereas the Bureau, as the body responsible for implementing the Funding Regulation within Parliament, decided in 2006 on a number of significant improvements to the implementing rules, such as increasing the prefinancing option from 50 % to 80 % in order to simplify the procedure and improve the solvency of the beneficiaries, and relaxing the rules on transfers between chapters in the budgets of beneficiaries in order to enable them to adjust their budgets to changing political circumstances,
- U. whereas experience with the funding of European political parties and their affiliated European political foundations has shown that they need more flexibility and comparable conditions as regards the carrying-over of funds to the following financial year and the building-up of reserves from own resources over and above the prescribed minimum level of expenditure to be financed from their own funds,
- V. whereas the European political parties spend on average almost half of their budgets on centralised administration (staff, rent, etc.) and another quarter on meetings of (statutory and non-statutory) party bodies, the rest being spent on election campaigns and support for affiliated organisations,
- W. whereas the European political foundations have a different expenditure pattern, spending on average 40 % of their budgets on centralised administration and meetings and another 40 % on external services, such as studies, research, publications and seminars,
- X. whereas the main source of the European political parties' own resources is membership fees collected from the member parties, and whereas less than 5 % of their total income is made up of individual membership subscriptions and donations,
- Y. whereas the share of their total income accounted for by funding from the Union budget is higher in the case of the European political parties than in that of the European political foundations,
- Z. whereas donations do not yet represent a significant part of the funding, with only three parties and two foundations receiving donations on a regular basis in 2009,

⁽¹⁾ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002, OJ L 248, 16.9.2002, p. 1.

⁽²⁾ Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002, OJ L 357, 31.12.2002, p. 1.

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- AA. whereas there is a potential conflict between, on the one hand, the aim of facilitating and speeding up funding, thus making it more effective, and, on the other, the aim of minimising the financial risk to the Union budget,
- AB. whereas during the period covered by this report, 2008-2011, no penalties have had to be imposed on any party or foundation funded,
- AC. whereas the European political parties and foundations have to acquire legal personality in accordance with the law of the Member State of their seat in order to be eligible for funding, and whereas they do not have a common legal status,
- AD. whereas the subsidies for European political parties and foundations are 'grants' within the meaning of Title VI of the Financial Regulation and its Implementing Rules, but their specific nature means that they are not comparable with any grant awarded and administered by the Commission; whereas this is reflected in a significant number of provisions in the Funding Regulation setting out exceptions; whereas this solution is not satisfactory,

The new political environment

1. Notes that political parties – and their linked political foundations – are essential instruments of a parliamentary democracy, holding parliamentarians to account, helping to shape the political will of citizens, drawing up political programmes, training and selecting candidates, maintaining dialogue with citizens and enabling citizens to express their views;
2. Stresses that the Treaty of Lisbon provides for this role of the political parties and their foundations with a view to creating a European polis, a political space at EU level, and a European democracy, of which the European Citizens' Initiative is a key constitutive element;
3. Notes that the European political parties, as they stand, are not in a position to play this role to the full because they are merely umbrella organisations for national parties and not directly in touch with the electorate in the Member States;
4. Notes with satisfaction, however, that the European political parties and political foundations have nevertheless become indispensable actors in the political life of the European Union, in particular by shaping and voicing the respective positions of the various 'political families';
5. Emphasises the need for all European political parties to conform to the highest standards of internal party democracy (as regards the democratic election of party bodies and democratic decision-making processes, including for the selection of candidates);
6. Takes the view that, once it has met the conditions for being regarded as a political party at EU level, a party may receive funding only if it is represented in the European Parliament by at least one of its members;
7. Points out that political parties have rights, obligations and responsibilities and should therefore follow converging general organisational patterns; considers that this organisational convergence can only be achieved by establishing a common legal and fiscal status based on EU law for the European political parties and their political foundations;
8. Is convinced that authentic legal status for the European political parties and a legal personality of their own, based directly on the law of the European Union, will enable the European political parties and their political foundations to act as representative agents of the European public interest;

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9. Takes the view that the European political parties should interact and compete on matters relating to common European challenges and the European Union and its development at three levels: regionally, nationally and at European level; considers that it is of the utmost importance for European political parties to be efficient and productive at EU and national level and beyond;
10. Stresses the important challenges in terms of organisational capacity that the European political parties will have to face in the light of the reforms that may be made to the European electoral system (creation of an additional constituency, establishment of transnational lists);
11. Notes that this is, in principle, in keeping with the idea of European political parties participating in referendum campaigns, when the referendums concerned are directly linked to issues relating to the European Union;
12. Decides, therefore, to request the Commission to propose a draft statute for European political parties in accordance with Article 225 of the Treaty on the Functioning of the European Union;
13. Notes that what is needed on a shorter-term basis is an improved regulatory environment for the European political parties and foundations, involving, as a first step, the adoption of the European statute;

Additional reform proposals

14. Considers that Members sitting in regional parliaments or assemblies should be taken into account in connection with the fulfilment of the funding conditions only if the parliament or assembly in question is endowed with legislative powers;
15. Points out that the award of funding and the closure of the accounts of the European political parties and foundations are bureaucratic and cumbersome procedures; considers that this stems to a great extent from the fact that funding payments are regarded as 'grants' within the meaning of the Financial Regulation, which is appropriate for the funding of projects or associations, but not for parties;
16. Takes the view, therefore, that the Commission should propose the creation of a new title in the Financial Regulation devoted solely and tailored specifically to the funding of European parties and foundations; considers that the Funding Regulation should, as far as its implementation is concerned, refer to the provisions of this new title;
17. Stresses that the self-financing of parties and foundations is a sign of vitality; believes that it should be encouraged by raising the present limit of EUR 12 000 per year for donations to EUR 25 000 per year/per donor, combined, however, with a requirement to disclose the donor's identity at the time of receipt, in accordance with the legislation in force and in the interests of transparency;
18. Considers that requiring the submission of 'annual work programmes' as a precondition for funding is inappropriate for political parties; points out, moreover, that such a requirement does not exist in any EU Member State;
19. Underlines the fact that the timing of funding is crucial if it is to fulfil its purpose; calls, as an exception to the implementing rules for the Financial Regulation, for the funding to be made available at the beginning of the financial year at 100 %, not 80 %; considers that in view of positive past experiences the risk to Parliament is negligible;
20. Points out that the Financial Regulation stipulates that grants 'may not finance the entire operating expenditure of the beneficiary body'; observes that complying with this rule is especially difficult for foundations and leads to evasive bookkeeping techniques (for example 'contributions in kind'); points out that almost none of the funding schemes in Member States require partial self-financing, as this can disadvantage smaller or recently established parties;

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21. Points out that the independent resources that the European political parties are required to demonstrate could be reduced to 10 % of their total budget, in order to further enhance their development; at the same time, believes that their own resources in the form of physical resources should not exceed 7.5 % of their total budget;
22. Notes that in the case of European political foundations the revision of the legal instrument should be taken as an opportunity to abolish the requirement to demonstrate that they have resources of their own;
23. Points out that in the context of this revision the limitation imposed on European political foundations requiring them to use their funds within the European Union should be removed; thereby enabling the foundations to play a role both inside and outside the EU;
24. Emphasises, however, that relaxing the funding regime would have to be counterbalanced by providing for sanctions in the Funding Regulation where they are currently lacking; these sanctions could take the form of financial penalties in the event of infringements of the rules concerning, for example, the transparency of donations; emphasises the need to lay down the same conditions governing the building-up of reserves from own resources above the limit and the carrying-over of funds for both European political parties and their affiliated European political foundations;
25. Points out that since 2008 European political parties have been entitled to use sums received as grants for 'financing campaigns conducted ... in the context of the elections to the European Parliament' (Article 8, third paragraph, of the Funding Regulation); also points out, however, that they are prohibited from using these sums for financing 'referendum campaigns'; believes, however, that if European political parties are to play a political role at EU level, they should have the right to participate in such campaigns as long as the subject of the referendum has a direct link with issues concerning the European Union;
26. Invites the European political parties to start a process of considering the terms for direct individual membership and appropriate arrangements for individuals' direct or indirect participation in the internal activities and decision-making processes of the parties;

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

Governance and partnership in the single market

P7_TA(2011)0144

European Parliament resolution of 6 April 2011 on Governance and Partnership in the Single Market (2010/2289(INI))

(2012/C 296 E/08)

The European Parliament,

- having regard to the Commission Communication 'Towards a Single Market Act for a highly competitive social market economy: 50 proposals for improving our work, business and exchanges with one another' (COM(2010)0608),
- having regard to the Commission Communication 'Europe 2020 – a strategy for smart, sustainable and inclusive growth' (COM(2010)2020),

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- having regard to the Commission Communication ‘A single market for 21st century Europe’ (COM(2007)0724) and the accompanying Commission staff working document ‘The Single Market: review of achievements’ (SEC(2007)1521),
 - having regard to its resolution of 4 September 2007 on the Single Market review⁽¹⁾ and the Commission staff working document ‘The Single Market review: one year on’ (SEC(2008)3064),
 - having regard to the Commission Communication on ‘Smart Regulation in the European Union’ (COM(2010)0543),
 - having regard to the Commission’s 27th Annual Report on Monitoring the Application of EU Law and to the accompanying Commission staff working document entitled ‘Situation in the different sectors’ (SEC(2010)1143),
 - having regard to the Commission Recommendation of 29 June 2009 on measures to improve the functioning of the single market⁽²⁾,
 - having regard to the Council Conclusions of 10 December 2010 on the Single Market Act,
 - having regard to Professor Mario Monti’s report to the Commission on revitalising the single market,
 - having regard to its resolution of 20 May 2010 on delivering a single market to consumers and citizens⁽³⁾,
 - having regard to the Internal Market Scoreboard No 21 (2010), and to its resolutions of 9 March 2010⁽⁴⁾ and 23 September 2008⁽⁵⁾ on the Internal Market Scoreboard,
 - having regard to the Commission Communication on ‘A Europe of Results - Applying Community Law’ (COM(2007)0502),
 - having regard to Articles 258 to 260 of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to Articles 7, 10 and 15 of the Treaty on the Functioning of the European Union,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on Employment and Social Affairs and the Committee on Legal Affairs (A7-0083/2011),
- A. whereas relaunching the Single Market requires the active support of all citizens, European institutions, Member States and stakeholders,
- B. whereas in order to gain the active support of all stakeholders, it is essential that during consultations and dialogue with the Commission, as well as in expert groups, effective representation of civil society and SMEs is ensured,

⁽¹⁾ OJ C 187 E, 24.7.2008, p. 80.

⁽²⁾ OJ L 176, 7.7.2009, p. 17.

⁽³⁾ Texts Adopted, P7_TA(2010)0186.

⁽⁴⁾ OJ C 349 E, 22.12.2010, p. 25.

⁽⁵⁾ OJ C 8 E, 14.1.2010, p. 7.

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- C. whereas the proper dissemination, articulation and management of the various EU Institutions' consultations and reports (EU 2010, the Citizenship Report 2010, the Integrated Industrial Policy, the Digital Agenda for Europe, the Monti report, Parliament's Resolution on 'delivering a Single Market to consumers and citizens', the Gonzales and IMCO reports, etc.) are of particular importance for the successful relaunch of the Single Market,
- D. whereas a substantial gap still persists between the single market rules and the benefits that citizens and businesses can draw from them in practice,
- E. whereas the EU's average transposition deficit amounts to 1,7 % when taking into account the cases in which the transposition time of a directive exceeds the deadline and in which infringement proceedings for non-conformity have been initiated by the Commission,

Introduction

1. Welcomes with interest the Commission Communication 'Towards a Single Market Act', especially its third chapter and the global approach which it proposes in order to rebalance the single market between enterprises and citizens and to improve the democracy and transparency of the decision-making process; stresses that this approach seeks to guarantee the best balance between the proposals in the three parts of the communication;
2. Considers that the three chapters of the Communication are equally important and interconnected, and should be dealt with in a consistent approach without isolating the different issues at stake from each other;
3. Urges the Commission and the Council to reinforce the holistic approach to relaunching the Single Market, mainstreaming Single Market priorities to all policy areas which are crucial to achieving the Single Market for the benefit of European citizens, consumers and businesses;
4. Believes that enhancement of European economic governance, implementation of the EU 2020 strategy and the relaunch of the Single Market are equally important for revitalising the European economy and should be seen in combination;
5. Considers that a barrier-free and competitive single market should be completed in order to bring concrete advantages for workers, students, pensioners and citizens in general, and for businesses, particularly SMEs, in their daily lives;
6. Calls on the Commission to indicate the implementation timetable for the Single Market Act and to publish regular updates of tangible progress in order to make the EU public more aware of the Act's implementation and highlight its benefits;

General Assessment

Strengthening political leadership and partnership

7. Is convinced that one of the main challenges in relaunching the Single Market is ensuring political leadership, commitment and coordination; believes that comprehensive guidance from the highest political level is crucial for the relaunch of the Single Market;
8. Suggests that the President of the Commission should be given the mandate to coordinate and supervise the relaunch of the Single Market, in close cooperation with the President of the European Council and the competent authorities in the Member States; urges the Presidents of the Commission and of the European Council to coordinate closely their respective actions that are to boost economic growth, competitiveness, the social market economy and sustainability in the Union;

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9. Highlights the enhanced role of the EP and the national parliaments under the Lisbon Treaty; urges that Parliament's role in the single market legislation process be strengthened; encourages national parliaments to engage with Single Market rules throughout the legislative cycle and participate in joint activities with the European Parliament, leading to a better synergy between the two parliamentary levels;

10. Welcomes the Commission's approach which puts dialogue and partnership at the core of the renewed single market, and calls for strengthened efforts by all stakeholders to ensure that this approach is put into practice so that the single market can play its full role in promoting growth and a highly competitive market economy;

11. Calls on the Commission jointly with the Presidency to organise a yearly Single Market Forum involving stakeholders from the EU institutions, Member States, civil society and business organisations to assess progress in relaunching the Single Market, exchange best practices and address the top concerns of European citizens; encourages the Commission to continue the exercise of identifying the top 20 single-market-related sources of dissatisfaction and frustration which citizens encounter; proposes that the Single Market Forum could be used by the Commission to present these problems and their respective solutions;

12. Urges Member States' governments to take ownership of the relaunch of the Single Market; welcomes initiatives taken by Member States to optimise the way in which they deal with Single Market directives in terms of improving coordination, creating incentive structures and increasing the political importance given to transposition; considers it crucial, when discussing priorities for new legislation, to enhance focus on and incentives for timely and correct transposition, correct application and better enforcement of single market legislation;

13. Notes that Single Market rules are frequently implemented by local and regional authorities; stresses the need for greater involvement of regional and local authorities in the construction of the single market, in accordance with the principles of subsidiarity and partnership, at all stages of the decision-making process; proposes, in order to emphasise this decentralised approach, the establishment of a 'Territorial Pact of Local and Regional Authorities on the Europe 2020 Strategy' in every Member State to create stronger ownership in the implementation of the EU 2020 Strategy;

14. Believes that the 'good governance' of the single market must respect the role of the two advisory institutions existing at European level – the European Economic and Social Committee and the Committee of the Regions – as well as that of the social partners;

15. Emphasises that dialogue with the social partners and civil society is of the essence in restoring confidence in the single market; expects new and bold ideas from the Commission as to how this dialogue can actually be improved; demands that the social partners be involved and consulted in all relevant single market legislation affecting the labour market;

16. Welcomes the intention of the Commission to enhance an open, transparent and regular dialogue with civil society;

17. Calls on the Commission to publish a Green Paper on guidelines for the consultations of the EU institutions with representative associations and civil society, ensuring that these consultations are broad, interactive and add value to the proposed policies;

18. Calls on the Commission to adapt dialogue and communication to the needs of ordinary citizens to the fullest extent possible, for example by making all its public consultations available in all EU official languages or by using language in such a way that the ordinary citizen can understand;

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19. Urges the Commission to launch an information and education campaign on the essence of the single market and the objectives set in order to increase its dynamism while incorporating the dimensions of social and regional cohesion; stresses the need for this communication campaign to favour better participation – and a better ability to participate – by each citizen, worker and consumer in bringing about a competitive, just and balanced market;

20. Considers that the use of the new collaborative tools and approaches of Web 2.0 offers an opportunity to achieve more open, accountable, responsive and efficient governance of the Single Market;

Regulating the Single Market

21. Takes the view that initiatives by single Member States cannot be effective without coordinated action at EU level, and that it is thus of fundamental importance that the European Union should speak with a strong single voice and implement common actions; considers that solidarity, on which the European social economy model is based, and the coordination of national responses have been crucial to avoiding protectionist measures of short duration by single Member States; expresses its concern that the re-emergence of economic protectionism at national level would most probably result in fragmentation of the internal market and a reduction in competitiveness, and therefore needs to be avoided; is concerned that the current economic and financial crisis could be used to justify reviving protectionist measures in various Member States, whereas the downturn calls for common safeguard mechanisms instead;

22. Takes the view that progress in the internal market should not be based on the lowest common denominator; encourages the Commission, therefore, to take the lead and come forward with bold proposals; encourages the Member States to use the method of enhanced cooperation in areas where the process of reaching an agreement among 27 is not achievable; notes that other countries would be free to join these spearhead initiatives at a later stage;

23. Believes that the overall efficiency and legitimacy of the Single Market suffers because of the complexity of Single Market governance;

24. Considers that more attention should be paid to the quality and clarity of EU legislation in order to facilitate the implementation of the Single Market rules by the Member States;

25. Considers that the use of regulations instead of directives where appropriate would contribute to a clearer regulatory environment and reduce the transaction costs associated with transposition; calls on the Commission to develop a more targeted approach to choosing legislative instruments, depending on the legal and substantial characteristics of the provisions to be implemented, while respecting the principles of subsidiarity and proportionality;

26. Encourages the Commission and the Council to intensify their efforts to implement the Smart Regulation strategy to further enhance the quality of regulation, fully respecting the principles of subsidiarity and proportionality;

27. Urges the Commission to continue independent ex-ante and ex-post evaluation of legislation with the participation of stakeholders to improve the effectiveness of legislation;

28. Suggests that the Commission systematises and refines the SME test, taking into account the diversity of their situations, to evaluate the consequences of legislative proposals on these businesses;

29. Believes that correlation tables contribute to better transposition and significantly facilitate enforcement of the Single Market rules; urges Member States to create and make publicly available correlation tables on all Single Market legislation; points out that in future Parliament may not include reports on compromise texts agreed with Council on the plenary agenda if provisions on correlation tables are not provided for;

Wednesday 6 April 2011*Administrative coordination, problem-solving mechanisms and information*

30. Supports the proposals of the Single Market Act that aim at developing further administrative cooperation between the Member States, including extending the Internal Market Information (IMI) System to other relevant legislative areas taking into account the security and usability of the system; calls on the Commission to support Member States by providing training and guidance;

31. Considers that local and regional authorities could be involved in developing and expanding the Internal Market Information System after thorough evaluation of the benefits and problems such an expansion of the system may cause;

32. Stresses the importance of better communication and extension of the internal market information system as it is essential to provide SMEs in particular with clear information on the internal market;

33. Welcomes the Commission's intention to cooperate with Member States to consolidate and strengthen informal problem solving tools like SOLVIT, the EU Pilot project and European Consumer Centres; calls on the Commission to come up with a roadmap regarding the development and interlinking of different problem-solving tools to ensure efficiency and user friendliness and avoid unnecessary overlaps; calls on the Member States to provide these problem-solving tools with adequate resources;

34. Calls on the Commission to further develop and promote the Your Europe website so that it offers a single gateway to all the information and help services citizens and businesses need to make use of their rights in the single market;

35. Calls on Member States to develop points of single contact under the Services Directive into user-friendly and easily accessible e-Government centres where businesses can obtain all the necessary information in the relevant EU languages, deal with all formalities and complete the necessary steps by electronic means in order to provide services in the respective Member State;

36. Acknowledges the important role of EURES in facilitating the free movement of workers within the Union and ensuring close cooperation between national employment services; calls on the Member States to increase public awareness of this useful service to enable more EU citizens to fully benefit from employment opportunities across the EU;

37. Calls on the national Parliaments, regional and local authorities and social partners to take an active part in communicating the benefits of the Single Market;

Transposition and enforcement

38. Calls on the Commission to use all powers under the Treaties to improve transposition, application and enforcement of the rules of the Single Market to the benefit of European citizens, consumers and businesses; calls on the Member States to step up their efforts in order to fully and correctly implement Single Market rules;

39. Believes that the infringement procedure remains a key tool to ensure the functioning of the single market, but stresses that consideration should be given to additional instruments which are less time-consuming and cumbersome;

40. Calls on the Commission to resist any political interference and immediately launch infringement procedures where pre-litigation problem-solving mechanisms fail;

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41. Notes that the recent Court of Justice case law opens new scenarios for the Commission to pursue 'general and structural infringements' of Single Market rules by Member States;
42. Calls on the Commission to make full use of the changes introduced by Article 260 of the TFEU which are designed to simplify and speed up the imposition of financial penalties in the context of infringement proceedings;
43. Believes that the Commission should take a more active role in the enforcement of Single Market rules, by carrying out more systematic and independent monitoring in order to speed up and expedite infringement proceedings;
44. Regrets that too many infringement proceedings take a long time before they are closed or brought before the Court of Justice; asks the Commission to set a benchmark of 12 months for the maximum average time taken to process infringements, from opening the file to sending the application to the Court of Justice; deeply regrets that such procedures have no direct effect on EU citizens or residents who may have been victims of lack of EU law enforcement;
45. Asks the Commission to provide better information, in a transparent manner, about ongoing infringement procedures;
46. Calls on the Commission to propose a benchmark for Member States' compliance with the rulings of the Court of Justice;
47. Supports the Commission's initiatives to further improve the use of alternative dispute resolution (ADR), with a view to ensuring quick and efficient access to simple and low-cost out-of-court dispute resolution for consumers and enterprises in national and cross-border disputes involving both online and offline purchases; welcomes the consultation launched by the Commission; insists on the necessity of better information for citizens on the existence of ADR;
48. Calls on the Commission to focus also on the prevention of disputes, for example through stronger measures that prevent unfair commercial practices;
49. Welcomes the Commission's intention to launch a public consultation on a European approach to collective redress, and opposes the introduction of collective redress mechanisms along the lines of the US model, which contains strong economic incentives to bring unmeritorious claims to court;
50. Notes that any proposal on collective redress for infringements of competition law must respect Parliament's view expressed in its resolution of 26 March 2009 on damages actions for breach of the EU antitrust rules; insists that Parliament must be involved in the adoption of any such act by means of the ordinary legislative procedure and calls on the Commission to consider the case for minimum standards in relation to the right to compensation for damage resulting from a breach of EU law more generally;

Monitoring, evaluation and modernisation

51. Supports a focused and evidence-based approach to market monitoring and evaluation; invites the Commission to continue developing its market monitoring tools, such as that of the alert mechanism in the Services Directive, by improving methodology, indicators and data collection, whilst observing the principles of practicality and cost-effectiveness;

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52. Points out the need to evaluate the state of implementation of all Single Market legislation by Member States in a faster and clearer manner;

53. Highlights the mutual evaluation provided for in the Services Directive as an innovative way of using peer pressure to improve the quality of transposition; supports where appropriate using mutual evaluation in other areas, e.g. in the area of free movement of goods;

54. Encourages Member States to regularly review national rules and procedures which have an impact on free movement of services and goods in order to simplify and modernise national rules and remove overlaps; considers that the process of screening national law used for the implementation of the services directive could be an efficient tool in other areas to remove overlaps and unjustified national barriers to free movement;

55. Urges the Commission to support the efforts of the public sector to adopt innovative approaches, exploiting new technologies and procedures and disseminating best practices in the public administration which will lower bureaucracy and embrace citizen-centred policies;

Key priorities

56. Asks that each spring session of the European Council should be devoted to assessing the state of the Single Market, backed by a monitoring process;

57. Calls on the Commission to publish a Green Paper on guidelines for the consultations of the EU institutions with representative associations and civil society ensuring that these consultations are broad, interactive, transparent and add value to the proposed policies;

58. Urges Member States to create and make publicly available correlation tables on all Single Market legislation;

59. Calls on the Member States to reduce the transposition deficit of Single Market Directives to 0,5 % for outstanding legislation and 0,5 % for incorrectly transposed legislation by the end of 2012;

60. Calls on the Commission to submit a legislative proposal on the use of alternative dispute resolution in the EU by the end of 2011 and underlines the importance of its quick adoption;

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

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Single market for Europeans

P7_TA(2011)0145

European Parliament resolution of 6 April 2011 on a Single Market for Europeans (2010/2278(INI))

(2012/C 296 E/09)

The European Parliament,

- having regard to the Charter of Fundamental Rights of the European Union, as incorporated into the Treaties by Article 6 of the EU Treaty,
- having regard to Article 26 of the Treaty on the Functioning of the European Union, which stipulates that ‘the internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaties’,
- having regard to Article 3(3) of the EU Treaty, which commits the Union to working for ‘a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment’,
- having regard to Article 9 of the Treaty on the Functioning of the European Union, which stipulates that ‘in defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health’,
- having regard to Article 11 of the Treaty on the Functioning of the European Union, which stipulates that ‘environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, in particular with a view to promoting sustainable development’,
- having regard to Article 12 of the Treaty on the Functioning of the European Union, which stipulates that ‘consumer protection requirements shall be taken into account in defining and implementing other Union policies and activities’,
- having regard to Article 14 of the Treaty on the Functioning of the European Union and Protocol 26 thereto on services of general (economic) interest,
- having regard to the Commission Communication to the European Council entitled ‘Europe 2020, a strategy for smart, sustainable and inclusive growth’ (COM(2010)2020),
- having regard to the Commission Communication entitled ‘Towards a Single Market Act – for a highly competitive social market economy’ (COM(2010)0608),
- having regard to the Commission Communication entitled ‘A citizen’s agenda – delivering results for Europe’ (COM(2006)0211),
- having regard to the Commission Communication entitled ‘A Single Market for 21st century Europe’ (COM(2007)0724) and the accompanying Commission staff working document entitled ‘The Single Market: review of achievements’ (SEC(2007)1521), Parliament’s resolution of 4 September 2007 on the Single Market review ⁽¹⁾ and the Commission staff working document entitled ‘The Single Market review: one year on’ (SEC(2008)3064),

⁽¹⁾ OJ C 187 E, 24.7.2008, p. 80.

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- having regard to the Commission Communication entitled ‘Opportunities, access and solidarity: towards a new social vision for the 21st century’ (COM(2007)0726), the Commission Communication on ‘Services of general interest, including social services of general interest: a new European commitment’ (COM(2007)0725) and Parliament’s resolution of 27 September 2006 on the Commission White Paper on services of general interest ⁽¹⁾,
- having regard to the Commission Recommendation of 29 June 2009 on measures to improve the functioning of the single market ⁽²⁾ and the Commission Recommendation of 12 July 2004 on the transposition into national law of Directives affecting the internal market ⁽³⁾,
- having regard to the Internal Market Scoreboard of July 2009 (SEC(2009)1007) and to Parliament’s resolutions of 9 March 2010 ⁽⁴⁾ and 23 September 2008 ⁽⁵⁾ on the Internal Market Scoreboard,
- having regard to the Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee entitled ‘EU Consumer Policy strategy 2007-2013 – Empowering consumers, enhancing their welfare, effectively protecting them’ and Parliament’s resolution of 20 May 2008 on the EU consumer policy strategy 2007-2013 ⁽⁶⁾,
- having regard to the Commission Communication of 28 January 2009 entitled ‘Monitoring consumer outcomes in the Single Market – Second edition of the Consumer Markets Scoreboard’ (COM(2009)0025) and to the accompanying Commission staff working document entitled ‘Second Consumer Markets Scoreboard’ (SEC(2009)0076),
- having regard to the Commission Communication of 2 July 2009 on the enforcement of the consumer *acquis* (COM(2009)0330) and to the Commission report of 2 July 2009 on the application of Regulation (EC) No 2006/2004 of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws (the ‘Regulation on consumer protection cooperation’) (COM(2009)0336),
- having regard to the Commission Communication on ‘Cross-border business-to-consumer e-commerce in the EU’ (COM(2009)0557),
- having regard to its resolution of 9 March 2010 on consumer protection ⁽⁷⁾,
- having regard to Professor Mario Monti’s report to the Commission on revitalising the Single Market,
- having regard to its resolution of 20 May 2010 on delivering a Single Market to consumers and citizens ⁽⁸⁾,
- having regard to its resolution of 20 October 2010 on the financial, economic and social crisis ⁽⁹⁾;
- having regard to the Commission Communication on ‘Youth on the Move’ (COM(2010)0477),
- having regard to its resolution of 21 September 2010 on completing the internal market for e-commerce ⁽¹⁰⁾,

⁽¹⁾ OJ C 306 E, 15.12.2006, p. 277.

⁽²⁾ OJ L 176, 7.7.2009, p. 17.

⁽³⁾ OJ L 98, 16.4.2005, p. 47.

⁽⁴⁾ OJ C 349 E, 22.12.2010, p. 25.

⁽⁵⁾ OJ C 8 E, 14.1.2010, p. 7.

⁽⁶⁾ OJ C 279 E, 19.11.2009, p. 17.

⁽⁷⁾ OJ C 349 E, 22.12.2010, p. 1.

⁽⁸⁾ Texts adopted, P7_TA(2010)0186.

⁽⁹⁾ Texts adopted, P7_TA(2010)0376.

⁽¹⁰⁾ Texts adopted, P7_TA(2010)0320.

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- having regard to the Commission Communication entitled 'EU Citizenship Report 2010: Dismantling the obstacles to EU citizens' rights' (COM(2010)0603),
 - having regard to the report of the European Economic and Social Committee, Section for the Single Market, Production and Consumption, on 'Obstacles to the European Single Market 2008' ⁽¹⁾,
 - having regard to SOLVIT's 2008 annual report on the development and performance of the SOLVIT network (SEC(2009)0142), the Commission staff working paper of 8 May 2008 on an action plan on an integrated approach for providing Single Market Assistance Services to citizens and business (SEC(2008)1882) and Parliament's resolution of 9 March 2010 on SOLVIT ⁽²⁾,
 - having regard to Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products, which aims to create an overall framework of rules and principles for accreditation and market surveillance ⁽³⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on Economic and Monetary Affairs, the Committee on Employment and Social Affairs, the Committee on Legal Affairs, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Petitions (A7-0072/2011),
- A. whereas a functioning Single Market is the key driver which will enable the European Union to reach its full potential in terms of competitiveness, smart, inclusive and sustainable growth, the creation of more and better jobs, efforts to create a level playing field for enterprises of all kinds, the establishment of equal rights for all European citizens and strengthening a highly competitive social market economy,
- B. whereas the Single Market Act concerns Europeans as active participants in the European economy,
- C. whereas the Single Market cannot be regarded in purely economic terms, but must be seen as being embedded in a wider legal framework conferring specific, fundamental rights on citizens, consumers, workers, entrepreneurs and businesses, particularly small and medium-sized businesses (SMEs) of all kinds,
- D. whereas too many obstacles stand in the way of citizens wishing to study or work in or move to another Member State or shop cross-border and of SMEs wishing to establish themselves in another Member State or trade cross-border; whereas these obstacles stem, *inter alia*, from insufficiently harmonised national laws, low portability of social security rights and excessive red tape, which impedes the free movement of persons, goods, services and capital within the Union,
- E. whereas the completion of the Single Market requires a holistic vision to further strengthen its development, as the Monti report and the resolution on delivering a Single Market to consumers and citizens highlighted, involving the incorporation of all relevant policies into a single strategic market objective, encompassing not only competition policy, but also, *inter alia*, industrial, consumer, energy, transport, digital, environment, climate change, trade, regional, justice and citizenship policies, in order to reach a high level of integration;

⁽¹⁾ http://www.eesc.europa.eu/smo/news/Obstacles_December-2008.pdf.

⁽²⁾ OJ C 349 E, 22.12.2010, p. 10.

⁽³⁾ OJ L 218, 13.8.2008, p. 30.

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- F. whereas the Single Market should offer European consumers more choices at lower prices, especially for those who live in less accessible areas, such as island, mountain and sparsely populated regions, and those who suffer from reduced mobility,
- G. whereas printed and online material published by the Commission is often either too abstract or too complex to truly engage citizens and reach a wide audience,
- H. whereas it is important that the Single Market Act should not consist of a series of isolated measures and that all the proposals must contribute to the achievement of a coherent objective,

Introduction

1. Welcomes the Commission Communication entitled 'Towards a Single Market Act', and specifically Chapter II, 'Restoring confidence by putting Europeans at the heart of the Single Market', which contains 19 initiatives geared to the needs of European citizens;
2. Considers that the Communication's proposals are generally in line with Parliament's expectations, but need to be further strengthened in order for citizens to be at the heart of the Single Market project;
3. Deplores the fact that the Communication has been divided into three chapters focusing on Europeans, businesses and governance, rather than along subject-matter lines; points out that the competitiveness of the Single Market and its acceptance among citizens should not be regarded as contradictory, but as mutually reinforcing objectives; considers, however, that the three chapters of the Communication are equally important and interconnected, and should be dealt with by means of a consistent approach, taking into account proposals made and concerns expressed by stakeholders at EU level and in the Member States;
4. Firmly believes that the Single Market Act needs to constitute a coherent and balanced package of measures, in keeping with the spirit of the Grech report (A7-0132/2010) and the Monti report, which lays the foundations for a Europe of Added Value for citizens and enterprises;
5. Argues that the relaunching and deepening of the Single Market are essential in the context of EU policies to fight the effects of the financial and economic crisis, and as part of the EU 2020 strategy;
6. Takes the view that Europeans have not yet fully exploited the potential of the Single Market in many areas, including the free movement of persons, goods and services, and that new incentives are needed in particular to ensure effective geographical labour mobility across Europe;
7. Takes the view that the Single Market strategy should strengthen social welfare and workers' rights and ensure fair working conditions for all Europeans;
8. Supports the Commission's idea of initiating, through the Single Market Act, a global and pragmatic debate throughout Europe on the benefits and costs of the internal market, and asks the Commission to ensure the effective application of internal market rules which reduce the administrative burden on citizens;
9. Shares the conviction that the full realisation of the European Single Market should form the basis for the completion of the process of political and economic integration;
10. Emphasises in particular the Commission's commitment, in this Communication, to promoting new approaches to sustainable development;

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11. Stresses that it is not just Single Market legislation which is implemented and applied poorly by the Member States, but also other legislation affecting the rights of European citizens and other legal residents; calls on the Member States to ensure better implementation of the Free Movement Directive (2004/38/EC) in particular;
12. Considers that efforts to complete the Single Market need to concentrate on the concerns and rights of citizens, consumers, public-service users and businesses and bring them tangible benefits in order to restore their full confidence in the Single Market and make them more aware of the opportunities it offers;
13. Urges the Member States and the Commission to join forces to put the Single Market message across to citizens and to ensure that its benefits are recognised and their rights as consumers are properly and widely understood and enforced; acknowledges, in that connection, the need for better communications strategies that truly engage the interest of the majority of citizens and for extensive, imaginative use to be made of modern technologies;
14. Stresses that the Single Market for Europeans is primarily about jobs and creating new jobs and that it is vital to create an environment in which businesses and citizens can fully exercise their rights;
15. Stresses that the Single Market offers great potential in terms of employment, growth and competitiveness and that strong structural policies must be adopted in order to exploit that potential to the full;
16. Stresses that demographic challenges require a strategy which would help create jobs that fill the gaps in the EU labour market;
17. Reiterates the view expressed in the resolution of 20 May 2010 on delivering a Single Market to consumers and citizens that the Commission ought to promote 'consumer-friendly' Single Market legislation, so as to ensure that consumer interests are fully taken into account in the workings of the Single Market;
18. Points out that the confidence of citizens and consumers is crucial for the functioning of the Single Market and cannot be taken for granted, but needs to be nurtured; considers, in particular, that in order to deliver on their promises Member States and the EU institutions must ensure that the current Single Market framework operates to its full capacity; emphasises that citizens' confidence is just as indispensable for the successful completion of the Single Market as a favourable environment for enterprises; believes that economic integration should be accompanied by appropriate social, environmental and consumer protection measures, in order to achieve both objectives;
19. Considers furthermore, that on the question of delivering added value for European citizens, Single Market proposals must respect the principles of subsidiarity and Member State sovereignty and promote exchanges of best practice between Member States;
20. Emphasises the lack of direct communication with citizens and considers that the EU representations in the Member States must be mandated to respond immediately to negative and misleading reports in the media by presenting the facts, and should make further efforts to provide information on European legislation, projects and programmes, thereby also promoting informed debate on European issues; advocates, further, the extensive and imaginative use of modern technology, including role-playing videogames which young people can play in a competitive way at European level (e.g. as part of an EU competition for schools), while at the same time learning about how the economy and the EU work;

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21. Points out that the effectiveness and democratic legitimacy of the enlarged EU can and should be improved, since the support of European citizens for the EU is clearly being eroded; takes the view that too little time and effort is spent, or that an incorrect method is used, to bring the people of Europe together, which should be the EU's core task; calls, therefore, for more to be done by the Member States and the EU institutions to create support for the EU and to convince the European people of the importance of the EU's values and of the usefulness and benefits of the EU;
22. Regards the fight against corruption and organised crime as essential to the proper functioning of the internal market and calls on the Commission and the Member States to continue their work in this field, using all available instruments, including the Mechanism for Cooperation and Verification;
23. Stresses the need to take account of the aims of the Stockholm Programme, in particular open borders and the free movement of goods, capital, services and people, in drawing up the Single Market Act.
24. Affirms that the Member States have a duty to adopt and implement European legislation on the internal market and on related European citizens' rights;
25. Emphasises that the implementation of the Single Market must proceed with full respect for the rights of citizens and residents of the Union, as enshrined in the Charter of Fundamental Rights;
26. Believes that the petitions process can make a positive contribution to helping citizens take advantage of the internal market;
27. Invites the Commission to adopt a clear and readily accessible 'Citizens' Charter' on the right to live and work anywhere in the EU, and to develop targeted, multilingual information about the everyday problems that citizens encounter when moving, shopping or selling across Europe and the social, health, consumer protection and environmental protection standards on which they can rely;
28. Considers that the 19 actions proposed by the Commission should be prioritised according to their impact on job creation and their delivery of tangible benefits as well as their feasibility for European citizens in a realistic period of time;
29. Recalls that in its resolution on the social economy it called for greater recognition for social economy enterprises, including the generalised integration of the concept into EU policies, intensified dialogue with social economy representatives, better business support measures and recognition in the context of the social dialogue; recalls that in the same resolution it called for national registers to take social economy enterprises into account and for specific statistics on the activities of social economy enterprises;
30. Calls for the launch of a televised European competition for the 'European cross-border business of the year' to open people's eyes to the opportunities and benefits of the Single Market and to the potential of young people with ideas; considers that the attraction of seeing people from different parts of Europe getting together to develop a business plan, raise funding and start something positive together would help promote both the idea of Europe and the Single Market and the idea of entrepreneurship; further believes that following the winning business over the year - focusing also on its staff and their friends and families - could highlight the benefits and shortcomings of the Single Market, and the remedies for those shortcomings, in order to make people aware of what Europe is really about, also in human terms;

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31. Recalls the need to take account, under the EU's integrated policies, of the situation of regions with specific territorial characteristics, particularly the outermost regions as defined in Article 349 of the Treaty on the Functioning of the European Union, so that those regions and their enterprises, workforce and citizens can be fully integrated into the EU internal market and thus benefit fully from it; encourages the Commission to retain, and further develop, the specific provisions for these regions; recalls the need to establish the wider European neighbourhood action plan referred to in Commission Communication COM(2004)0343, as a complement to integration into the Single Market; calls, finally, for the proposals in the chapter entitled 'Increasing solidarity in the Single Market' to be expanded and bolstered, and, in particular, for due account to be taken of the impact of the Single Market in the most disadvantaged regions, in order to anticipate and support those regions' adjustment efforts;

General Assessment

32. Calls on the Commission to take urgent action to encourage the mobility of citizens with a view to promoting sustainable growth, employment and social inclusion, and calls for the establishment of a 'mobility scoreboard' to measure mobility within the EU; in that connection, welcomes the Commission's initiatives on the recognition of professional qualifications, the 'Youth on the Move' initiative, the 'European Skills Passport', the proposal on the rights of air passengers, the initiative on access to certain basic banking services and the proposed initiative to improve the transparency and comparability of bank charges; suggests that the Commission, in its impact assessment, conducts a cost-benefit analysis and looks for synergies between the above-mentioned initiatives; calls on the Commission to increase and widen participation in mobility programmes, particularly among young people, and to raise these programmes' profile;

33. Notes that issues relating to product safety and market surveillance are of the utmost importance to European citizens; welcomes, therefore, the Commission's multiannual action plan for the development of European market surveillance based on guidelines for customs control and for product safety, and urges the Commission to establish a Single Market surveillance system for all products, based on one legislative act covering both the GPSD and the Market Surveillance Regulation; calls on the Commission to play a more active role in coordination and sharing of best practice between national customs and market surveillance authorities in order to increase the effectiveness of border controls on goods imported from third countries;; calls on Member States and the Commission to deploy the resources needed to make market surveillance activities effective;

34. Calls on the Commission to ask the Member States which are still imposing restrictions on their labour markets to review their transitional provisions in order to open up their labour markets to all European workers

35. Considers that an influx of highly qualified migrants and seasonal workers would be beneficial for the European economy; calls on the Member States, therefore, to fast-track the removal of restrictions in force on their labour markets for all EU citizens; in addition, calls on the Commission to further develop immigration policy in respect of those groups, bearing in mind the need not to deprive countries of origin of their vital human resources, while simultaneously improving measures concerning the management of external borders and the prevention of illegal immigration;

36. Reiterates that the principle of non-discrimination within the internal market does away with the requirement imposed on nationals of another Member State to supply original documents, certified copies, certificates of nationality or official translations of documents in order to obtain a service or more advantageous terms or prices;

37. Takes the view that the Services Directive creates the fundamental framework for a higher degree of free movement of service providers, as well as aiming to strengthen the rights of consumers as recipients of services and enhance the availability of information, assistance and transparency with regard to service providers and their services;

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38. Calls on the Commission to put forward practical proposals to extend consumer protection against unfair commercial practices to small businesses;

39. Welcomes the Commission's intention to propose a legislative initiative to reform the system for the recognition of professional qualifications; calls on the Commission to evaluate the *acquis* and publish a Green Paper by September 2011; draws attention to the need to guarantee the portability of pension rights; calls on Member States to coordinate their pension policies more effectively and to exchange best practices at European level;

40. Calls for a clearer link to be established between secondary and higher education programmes and the needs of the job market and stresses the important role of apprenticeships; calls on the Commission to promote formal and informal learning; believes that professional cards could be a concrete measure to facilitate the mobility of professionals in the Single Market, at least in certain sectors; urges the Commission, ahead of its review, to carry out an assessment of the impact of the introduction of European professional cards, taking into consideration their benefits, added value, data protection requirements and costs;

41. Considers that the Commission should sponsor a European skills exchange whereby small and medium-sized enterprises can benefit from the skills available in larger enterprises, thereby promoting synergies and mentoring;

42. Welcomes the Commission's intention to adopt a Communication on energy priorities for the period to 2020/2030; calls on the Commission to tackle missing infrastructure links and facilitate the integration of renewable energy in order to develop a fully operational internal energy market;

43. Welcomes the announcement of a legislative initiative on the implementation of the Posting of Workers Directive (96/71/EC) with a view to guaranteeing respect for posted workers' rights and clarifying the obligations of national authorities and businesses; calls on the Member States to remedy shortcomings in the implementation and enforcement of the directive;

44. Welcomes the Commission's announcement of a measure to ensure access to certain basic banking services; notes that scrutiny measures applied to customers who are considered to represent higher risks for banks should be objectively justified and proportionate; welcomes the proposed initiative to improve the transparency and comparability of bank charges;

45. Calls on the Commission to include in its programme key financial services initiatives (e.g. the Single Euro Payments Area (SEPA) and increased legal certainty regarding securities holdings) which are highly relevant to the Single Market; stresses that a fragmented payment system is an obstacle to cross-border trade; calls on the Commission to continue to improve the SEPA system in order to define a basic payment service available for all credit cards, increasing transparency in transaction costs and reducing interchange fees in the EU;

46. Calls for measures to create an appropriate legal framework for foundations, mutual societies and associations so as to give them European status, to prevent legal uncertainty and to promote other social economy enterprises and other social projects; welcomes the Commission's intention to revise Regulation (EC) No 1435/2003 on the Statute for European Cooperative Societies, calls, as part of this revision, for the creation of a genuinely autonomous Statute; stresses the need to improve cross-border access for social economy enterprises and maximise their entrepreneurial, social, cultural and innovative potential in the Single Market;

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47. Welcomes the Commission's intention to take account of the social impact of proposed legislation concerning the Single Market whenever necessary in order to make better informed and more evidence-based political decisions; encourages the Commission to propose a set of indicators which could be used to assess the social impact of legislation; considers that this impact assessment should be undertaken as part of an integrated assessment that considers all relevant impacts of a proposal (i.e. financial and environmental and on competitiveness, job creation and growth);

48. Calls on the Commission, in the framework of the re-launch of a more competitive single market creating sustainable growth with more and better jobs, to ensure that all social rights are respected; considers that, to this end, the Commission should include a reference to social policies and rights in single market legislation, where justified in the light of the conclusions of an assessment of the social impact of proposed legislation; emphasises, in addition, that, where relevant, due account should be taken in single market legislation of new Articles 8 and 9 of the Treaty on the Functioning of the European Union and the entry into force of the EU Charter of Fundamental Rights, which provides a whole range of civil, political, economic and social rights to Europeans, as well as the right to negotiate, conclude and enforce collective agreements in accordance with national law and practices and with due respect for EU law;

49. Welcomes the Commission's intention to put forward a legislative proposal on mortgage loans in order to respond to the current lack of consumer protection, the legal uncertainty surrounding mortgage loans and the insufficient comparability of the conditions and choices offered by mortgage loan providers, to guarantee the stability of the economic and financial system and to reduce barriers so that mortgage loans providers can do business and citizens can obtain a mortgage in another Member State;

50. Deplores the fact that no action on roaming charges is envisaged in the Commission's Communication on the Single Market Act, despite the tangible nature of such measures and the high expectations of citizens in this area; urges the Commission to propose an extension of the existing roaming regulation both in time - to June 2015 - and in scope, introducing retail price caps for data roaming; takes the view that, in order to achieve the digital agenda goals, this initiative should be included in the scope of the Single Market Act; calls on the telecommunications sector to promote a business model based on flat-rate charges for data transmission, voice messaging and text message roaming throughout the EU;

51. Calls on the Commission to take urgent measures to stabilise financial markets, ensure that those markets work for the benefit of the real economy and create an appropriately regulated and supervised single retail market, with the dual aim of achieving a high level of consumer protection and ensuring financial stability by avoiding bubbles, in particular with regard to real estate;

52. Calls on the Commission to identify and eliminate the tax obstacles still faced by European citizens; calls for stronger action to prevent double taxation of European citizens;

53. Welcomes the Commission's initiative to launch a public consultation on corporate governance and improving the transparency of the information provided by businesses on social and environmental matters and respect for human rights, but emphasises the importance of taking further specific steps to promote sound and responsible remuneration policies, adequate participation of women in management and executive boards, the valorisation of long-term shareholder commitment and the enhancement of employee consultation, participation and shareholding schemes; calls, in particular, for the promotion of employee shareholding schemes, the strengthening of long-term shareholder commitment and the promotion of information and consultation rights for employees and their representatives, together with boardroom participation rights; emphasises that increased transparency, good relations with staff, and production processes consistent with sustainable development are also in the interests of businesses, their owners and those who invest in them;

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54. Notes the Commission proposal concerning the social business initiative and recommends launching a consultation process on this project in order to assess the potential of this measure in terms of economic growth and job creation;
55. Considers that the Single Market Act should propose ways in which the public sector can better involve businesses in promoting innovative arrangements for the provision of public services; calls on the Commission and the Member States, on the basis of their respective competences, to ensure that services of general economic interest (SGEI), including social services of general interest (SSGI), are secured within a framework of universal access, high quality, affordability and clear financing rules by providing public authorities with a 'tool-kit' to evaluate the quality of such services; believes that the Commission should take sector-specific initiatives using all options available, based on and consistent with Article 14 of and Protocol 26 to the Treaty on the Functioning of the European Union, to ensure that SGEI and SSGI can be provided at an appropriate level, in keeping with the principle of subsidiarity;
56. Calls on the Commission to facilitate the application of EU rules by clarifying the criteria governing the compatibility of state aid and public procurement in connection with social services of general interest (SSGI) with the internal market;
57. Calls for strategic and appropriate use to be made of Structural Fund and Cohesion Fund resources, and for the expansion of the Trans-European Networks with a view to developing the Single Market;
58. Draws particular attention to the added value of the TEN-T network, especially of those projects that are transnational in nature and which alleviate bottlenecks: points out that TEN-T provides an efficient framework for the movement of people and goods within the EU, and notes that the Europe 2020 Strategy recognises the European added value of speeding up strategic projects that cross borders, remove bottlenecks and support intermodal nodes (cities, ports, airports, logistical platforms);
59. Supports the concept of a core network consisting of priority projects which adhere to these principles, which should then be the main beneficiaries of EU funding, and urges that EU-supported transport investment should be dovetailed with other related transport infrastructure projects that receive EU funding from other sources;
60. Welcomes the introduction of real rights for passengers undertaking intra-EU travel in the aviation, rail, maritime and coach and bus sectors, and recognises that these rights are essential to facilitating the free movement of persons within the Single Market;
61. Calls for a review of the enforcement of those rights in the aviation sector, to be followed, if necessary, by legislative proposals to clarify and consolidate those rights with a view to ensuring their uniform application throughout the European Union and to eliminate the risk of distorting competition within the Single Market both within and between transport modes; calls for these proposals to include adequate protection for consumers in such areas as package travel, bankruptcies and excessive charges for services;
62. Points out that the existing legislative framework regulating air passengers' rights needs better enforcement measures, so that citizens, particularly persons with reduced mobility (PRM), can fully avail themselves of their rights; calls on the Commission to adopt a proposal amending the regulation on the rights of air passengers, in order to enhance consumer protection, (Ex AM 113(Or. EN) of FdRand a communication on the rights of passengers using all modes of transport, to be followed by legislative proposals;

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63. Calls on the Commission to take stock of the experience gained so far in the area of passenger rights, identify common patterns between modes and set out general policy guidelines for the coming years, focusing in particular on how to increase passengers' awareness of their rights and how to exercise them;
64. Calls on the Commission to encourage the use of new technologies in an efficient, intelligent and sustainable transport system which aids the passenger by supporting the use of integrated ticketing;
65. Emphasises the need to complete the Digital Single Market, and notes that its benefits will have a direct impact on the day-to-day lives of Europeans; calls for measures to promote e-health and universal access to broadband services at affordable prices; welcomes the proposal for a decision establishing a European Radio Spectrum Action Programme, in particular the freeing-up of the 800 MHz digital dividend band by 2013 so that the wireless broadband market can grow and ensure fast internet access for all citizens, particularly those living in less accessible parts of Europe, such as island, mountain, rural and sparsely populated areas;
66. Urges Member States not to look at the Commission proposal on a horizontal anti-discrimination directive (COM(2008) 0426) only in terms of costs, but also in terms of the potential benefits when people who previously did not feel safe and secure in certain areas start to access services there;
67. Strongly supports the '25 actions to improve the daily life of EU citizens' contained in the EU Citizenship report 2010 (COM(2010)0603), particularly those relating to increased protection for victims, suspects and accused persons;
68. Welcomes the directive on patients' rights in cross-border healthcare and calls on Member States to implement it fully;

Key priorities

69. Calls on the Commission to endorse the following list of proposals as key Parliament priorities:
- Calls on the Commission to take measures to increase the mobility of European citizens, in particular by publishing by September 2011 a Green Paper on the recognition of professional qualifications, including an assessment of the existing framework, and, if appropriate, to propose a legislative initiative to reform this framework in 2012, at the same time assessing the feasibility and the added value of EU-wide professional identity cards and a 'European skills passport' in 2011 and setting-up a 'mobility scoreboard' to measure mobility within the EU;
 - Calls on the Commission to play a more active role in coordinating the activities of national market surveillance and customs authorities, in order to improve the effectiveness of border controls on goods imported from third countries, and to draw up in 2011 a multiannual action plan for the development of an effective European market surveillance system for all products, while allowing Member States flexibility in fulfilling their legal obligations;
 - Urges the Commission to propose an extension of the existing roaming regulation both in time - to June 2015 - and in scope, introducing retail price caps for data roaming in order to reduce roaming costs for members of the public and businesses;
 - Calls on the Commission to submit by June 2011 a legislative proposal on guaranteeing access to certain basic banking services and to improve the transparency and comparability of bank charges by the end of 2011;

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- Calls on the Commission to come up with a legislative proposal to remove obstacles encountered by mobile workers in order to ensure the full portability of pension rights;

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

Single market for enterprises and growth

P7_TA(2011)0146

European Parliament resolution of 6 April 2011 on a Single Market for Enterprises and Growth (2010/2277(INI))

(2012/C 296 E/10)

The European Parliament,

- having regard to the Commission Communication ‘Towards a Single Market Act. For a highly competitive social market economy. 50 proposals for improving our work, business and exchanges with one another’ (COM(2010)0608),
- having regard to its resolution of 20 May 2010 on delivering a Single Market to consumers and citizens ⁽¹⁾,
- having regard to Professor Mario Monti’s report of 9 May 2010 ‘A new Strategy for the Single Market’,
- having regard to the Commission Communication ‘Europe 2020 – a strategy for smart, sustainable and inclusive growth’ (COM(2010)2020),
- having regard to the Commission Communication ‘Europe 2020 Flagship Initiative. Innovation Union’ (COM(2010)0546),
- having regard to the Commission Communication ‘Smart Regulation in the European Union’ (COM(2010)0543),
- having regard to the Commission Communication ‘Digital Agenda for Europe’ (COM(2010)0245),
- having regard to the Report ‘Evaluation of SMEs’ access to public procurement markets in the EU’ ⁽²⁾,
- having regard to the Commission Communication ‘Cross-border business-to-consumer e-commerce in the EU’ (COM(2009)0557),
- having regard to the Commission Recommendation of 29 June 2009 on measures to improve the functioning of the single market ⁽³⁾,
- having regard to the Commission Communication ‘Public procurement for a better environment’ (COM(2008)0400),

⁽¹⁾ Texts adopted, P7_TA(2010)0186.

⁽²⁾ http://ec.europa.eu/enterprise/policies/sme/business-environment/files/smes_access_to_public_procurement_final_report_2010_en.pdf

⁽³⁾ OJ L 176, 7.7.2009, p. 17.

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- having regard to the Commission Communication ‘Think Small First – A ‘Small Business Act’ for Europe (COM(2008)0394),
 - having regard to the Commission Communication ‘A single market for 21st century Europe’ (COM(2007)0724) and the accompanying Commission staff working document ‘The Single Market: review of achievements’ (SEC(2007)1521),
 - having regard to the Commission Communication ‘Opportunities, access and solidarity: towards a new social vision for 21st century Europe’ (COM(2007)0726),
 - having regard to the Commission Interpretative Communication on the application of Community law on Public Procurement and Concessions to Institutionalised Public-Private Partnerships (IPPP), C(2007)6661,
 - having regard to the Commission Communication ‘Time to move up a gear. The new partnership for growth and jobs’ (COM(2006)0030),
 - having regard to the Council Conclusions on the Single Market Act (SMA) of 10 December 2010,
 - having regard to its resolution of 21 September 2010 on completing the internal market for e-commerce ⁽¹⁾,
 - having regard to its resolution of 18 May 2010 on new developments in public procurement ⁽²⁾,
 - having regard to its resolution of 9 March 2010 on the Internal Market Scoreboard ⁽³⁾,
 - having regard to its resolution of 3 February 2009 on pre-commercial procurement: driving innovation to ensure sustainable high-quality public services in Europe ⁽⁴⁾,
 - having regard to its resolution of 30 November 2006 on time to move up a gear – creating a Europe of entrepreneurship and growth ⁽⁵⁾,
 - having regard to the Commission Green Paper on the modernisation of EU public procurement policy (COM(2011)0015),
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on International Trade, the Committee on Economic and Monetary Affairs, the Committee on Employment and Social Affairs, the Committee on Industry, Research and Energy, the Committee on Regional Development and the Committee on Legal Affairs (A7-0071/2011),
- A. whereas a single market based on free and fair competition is the EU’s crucial economic reform goal and represents a key competitive advantage for Europe in the global economy,
- B. whereas one of the great advantages of the internal market has been the removal of barriers to mobility and the harmonisation of institutional regulations, fostering cultural understanding, integration, economic growth and European solidarity,

⁽¹⁾ Texts adopted, P7_TA(2010)0320.

⁽²⁾ Texts adopted, P7_TA(2010)0173.

⁽³⁾ OJ C 349 E, 22.10.2010, p. 25.

⁽⁴⁾ OJ C 67 E, 18.3.2010, p. 10.

⁽⁵⁾ OJ C 316 E, 22.12.2006, p. 378.

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- C. whereas it is important to increase confidence in the Single Market at all levels and to eliminate existing barriers to enterprises entering business; whereas high administrative burdens discourage new entrepreneurs,
- D. whereas it is important that the Single Market Act does not consist of a series of measures isolated from each other, and that all proposals combine to contribute to the achievement of a coherent objective,
- E. whereas all enterprises are affected by market fragmentation, but SMEs are particularly vulnerable to the problems stemming from it,
- F. whereas the Single Market is often perceived to have mostly benefited large enterprises so far, despite SMEs being the EU's growth engine,
- G. whereas lack of innovation in the EU is a key factor for the low growth rates in recent years; whereas green technology innovation provides an opportunity to reconcile long-term growth and environmental protection,
- H. whereas, in order to achieve the EU 2020 strategy goals, the Single Market must provide the conditions for smart, sustainable and inclusive growth; whereas the Single Market should become a better environment for innovation and research by EU enterprises,
- I. whereas competition policy is an essential tool in ensuring that the EU has a dynamic, efficient and innovative internal market and is competitive on the global stage,
- J. whereas venture capital is an important source of finance for new innovative businesses; whereas there are barriers for venture capital funds wanting to invest in different EU Member States,
- K. whereas developing ICT and its broader use by EU enterprises are essential for our future growth,
- L. whereas e-commerce and e-services, including e-Government and e-Health services, are still under-developed at EU level,
- M. whereas the postal sector and the promotion of interoperability and cooperation among postal systems and services can have a significant impact on the development of cross-border e-commerce,
- N. whereas there are regulatory barriers to the efficient licensing of copyrights that lead to a high level of fragmentation of the market for audiovisual products, which is detrimental to EU businesses; whereas both businesses and consumers would benefit from the creation of a genuine Single Market for audiovisual products and services, respecting the fundamental rights of internet users,
- O. whereas counterfeiting and piracy reduce business confidence in e-commerce and fuel the fragmentation of intellectual property protection rules which stifles innovation in the Single Market,
- P. whereas differences in fiscal provisions may result in significant obstacles to cross-border transactions; whereas the coordination of national tax policies, as proposed by Mario Monti in his report, would bring substantial added value to enterprises and citizens,

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- Q. whereas public procurement plays an important role in boosting economic growth, accounting for around 17 % of the EU's GDP; whereas cross-border procurement accounts for a low share of the whole public procurement market, despite being an opportunity for EU firms; whereas SMEs still have limited access to public procurement markets,
- R. whereas services are a crucial sector for economic growth and employment, but the Single Market for services is still underdeveloped, particularly due to gaps and difficulties encountered by the Member States with respect to the implementation of the Services Directive,

Introduction

1. Welcomes the Commission Communication 'Towards a Single Market Act'; considers that the three chapters of the Communication are equally important and interconnected, and should be dealt with in a consistent approach without isolating the different issues at stake from each other;
2. Emphasises, in particular, the Commission's commitment, in this Communication, to promoting new approaches towards sustainable development,
3. Urges the Commission to conduct a financial audit of the EU's budget priorities for the next financial framework and to prioritise European added value projects able to enhance EU competitiveness and integration in the areas of research, knowledge and innovation;
4. Stresses, particularly in view of the economic and financial crisis, the importance of the Single Market for the competitiveness of EU enterprises and for the growth and stability of European economies, calls on the Commission and the Member States to ensure sufficient resources to improve the implementation of the single market rules, and welcomes the holistic approach used in the Communication; emphasises the complementary nature of the various measures contained in the Monti report, the coherence of which is not fully reflected in the SMA;
5. Calls on the Commission, therefore, to submit an ambitious package of measures supported by a clear and coherent strategy to promote the competitiveness of the internal market; calls on the Commission to reconnect with the spirit of Mario Monti's report, which advocated promoting liberalisation and competition as well as improving fiscal and social convergence;
6. Underlines the importance of improving the European Union's economic governance in order to create the economic conditions for enterprises to take advantage of the opportunities provided by the Single Market allowing them to grow and become more competitive, and calls for this linkage to be made explicit in the Single Market Act; calls on the Commission to pay close attention to the impact on the Single Market's internal cohesion of the growing economic divergence between the EU Member States;
7. Emphasises the need to adopt an ambitious European industrial policy with the objective of strengthening the real economy and of achieving the transition to a more intelligent and sustainable one;
8. Stresses that the external dimension of the European strategy, which also includes international trade, is assuming growing importance owing to the integration of markets and, therefore, that an appropriate external strategy can be genuinely useful with a view to sustainable growth, employment and a stronger single market for businesses, in line with the aims of the EU 2020 Strategy; stresses the need to transform the EU's trade policy into a true vehicle for sustainable development and the creation of more and better jobs; asks the Commission to develop a trade policy consistent with a strong, job-creating industrial policy;

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9. Observes that European Union policies on the Single Market and regional development are highly complementary and stresses that the progress of the internal market and further development of the Union's regions are interdependent, leading to a Europe marked by cohesion and competitiveness; welcomes the Commission's proposals aimed at deepening the single market; stresses that real and effective single market accessibility for all EU regions is a prerequisite for the free movement of people, goods, capital and services, and thus for a strong and dynamic Single Market; points out, in this connection, the essential role played by the Union's regional policy in terms of developing infrastructure and with regard to economically and socially coherent and balanced development of regions;

General Assessment

An innovative Single Market

10. Calls on the Commission to adopt a consistent and balanced strategy in cooperation with the relevant stakeholders, with a view to fostering innovation and also supporting innovative business, as the best way to reward creation, and protecting fundamental rights, such as the right to privacy and the protection of personal data;

11. Strongly supports the creation of an SME-friendly EU-wide patent and of a unified patent litigation system in order to make the Single Market a leader in innovation and boost European competitiveness; stresses that the translation of patents into many languages is an additional cost burden that would hinder innovation within the Single Market and that a compromise on language aspects should be reached as soon as possible;

12. Supports the creation of EU project bonds in order to support long-term innovation and job creation in the Single Market and to finance the implementation of major cross-border infrastructure projects, particularly in the areas of energy, transport and telecommunications, supporting the ecological transformation of our economies; stresses the need for appropriate risk management structures and for full disclosure of all potential liabilities;

13. Points out the importance of a fully operational internal market for energy in order to achieve increased autonomy in energy supply; considers that this could be achieved through a regional clustering approach, as well as through the diversification of energy routes and sources; underlines that Eastern European infrastructure should be enhanced to bring it into line with that of Western Member States; stresses that the internal energy market should contribute to maintaining energy prices affordable for both consumers and businesses; believes that, in order to achieve the EU's climate and energy objectives, a new approach is necessary in terms of applying adequate minimum duty rates on CO₂ emissions and on energy content; highlights the need for further energy efficiency plans and measures to significantly increase energy savings; stresses the need to promote smart grids as well as renewable energies and to encourage local and regional authorities to exploit ICTs in their energy efficiency plans; calls for the Commission to closely monitor the implementation of the directives on energy-labelling, eco-design, transports, buildings and infrastructures, in order to ensure and implement a common European framework approach;

14. Supports the initiative on the environmental footprint of products, and urges the Commission to quickly propose the establishment of a real common assessment and labelling system;

15. Calls on the Commission to promote cross-border investment and to set up a framework to encourage venture capital funds to be invested effectively within the Single Market, to protect investors and to provide incentives for these funds to be invested in sustainable projects in order to achieve the ambitious objectives of the EU 2020 Strategy; invites the Commission to look into the possibilities of creating a European venture capital fund capable of investing in early-stage 'proof of concept' and business development prior to commercial investment; asks the Commission to carry out an annual assessment of public and private investment needs and how they are being, or should be, met within its proposals;

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16. Acknowledges the importance of public procurement, especially pre-commercial procurement, and the role it plays in stimulating innovation in the Single Market; encourages Member States to make use of pre-commercial procurement to give a decisive initial push to new markets for innovative and green technologies while improving the quality and effectiveness of public services; calls on the Commission and Member States to better communicate the existing possibilities for pre-commercial procurement to public authorities; calls on the Commission to explore how cross-border joint procurement can be facilitated;

17. Urges Member States to increase efforts to pool innovation resources through the creation of innovation clusters and steps to encourage the participation of SMEs in EU research programmes; stresses the need for dissemination and cross-border exploitation of the results of scientific research and innovation;

A digital Single Market

18. Welcomes the Commission's proposed revision of the e-Signatures Directive with a view to providing a legal framework for cross-border recognition and interoperability of secure e-authentication systems; emphasises the need for mutual recognition of e-identification and e-authentication across the EU and asks the Commission, in this regard, to tackle in particular problems relating to discrimination against recipients of services on grounds of nationality or place of residence;

19. Considers that the White Paper on transport policy should focus on proposals to enhance sustainable transport modes, including intermodality; stresses the importance of the proposed e-mobility package aimed at using new technologies to support an efficient and sustainable transport system, especially through the use of integrated ticketing; calls on Member States to swiftly implement the directive on intelligent transport systems;

20. Calls on the Commission and the Member States to take the appropriate measures to enhance the confidence of businesses and citizens in e-commerce, namely by guaranteeing high-level consumer protection in this field; emphasises that this could be achieved after a thorough evaluation of the Consumer Rights Directive and a thorough impact assessment of all the policy options in the Green paper on European Contract Law; points out that simplifying registration of domains across borders for online businesses, as well as improving secure online payment systems and facilitating cross-border debt recovery, would equally constitute useful measures to promote e-commerce across the EU;

21. Stresses the imperative need to adapt EU Information and Communication Technology (ICT) standardisation policy to market and policy developments, with a view to achieving European policy goals requiring interoperability;

22. Stresses the need to go beyond the existing barriers to cross-border e-commerce in the EU; emphasises the need for an active policy enabling the public and companies to benefit fully from this tool available to them, which can offer them quality products and services at competitive prices; believes that this is essential in the present climate of economic crisis, and that it would aid enormously in the completion of the Single Market, as a means of fighting rising inequality and protecting consumers who are vulnerable, live in remote locations or suffer from reduced mobility, as well as low-income groups and SMEs, to which integration into the world of e-commerce is particularly important;

23. Underscores the potential for the EU's regions to play a considerable role in assisting the Commission's drive to create a digital Single Market; highlights, in this regard, the importance that should be placed on utilising the funds available to the EU's regions in order to overcome their lack of development in the fields of e-commerce and e-services, which could serve as a fruitful source of future growth in the regions;

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24. Considers that SMEs should be empowered to make extensive use of e-commerce in Europe; deplores the fact that the Commission will not be coming out with a proposal for a European system for the settlement of online disputes for digital transactions until 2012, twelve years after Parliament called for such an initiative in September 2000 ⁽¹⁾;

25. Urges the Member States to fully implement the Third Postal Services Directive (2008/6/EC); stresses the need to guarantee universal access to high-quality postal services, avoid social dumping and promote interoperability and cooperation among postal systems and services, in order to facilitate efficient distribution and tracking of online purchases, which will boost consumer confidence as regards cross-border purchases;

26. Stresses the need to create a Single Market for online audiovisual goods by promoting open ICT standards and to support innovation and creativity through efficient management of copyright, including the creation of a pan-European licensing system, with the aim of guaranteeing broader and fairer access to cultural goods and services for citizens and ensuring that rightholders receive adequate remuneration for their creative works and that the fundamental rights of internet users are respected; stresses the need to align online legislation on intellectual property rights with existing off-line legislation on intellectual property rights, especially on trademarks, so that consumers and businesses place more trust in e-commerce;

27. Points out the need to strengthen the fight against online piracy to protect the rights of creators, while respecting the fundamental rights of consumers; points out that bodies and citizens must be properly informed about the consequences of counterfeiting and piracy; welcomes the initiative announced by the Commission aimed at combating trade mark and product piracy, and in particular the legislative proposals due for submission in 2011 seeking to adjust the legal framework to the new challenges of the internet and to strengthen measures by the customs authorities in this area; notes that in this connection synergies could also be achieved with the forthcoming action plan to enhance European market surveillance;

28. Underlines also that the protection and enforcement of IPRs should be developed as part of a broader approach, taking into consideration the rights and needs of consumers and EU citizens, but which does not conflict with other internal and external EU policies such as promoting the information society, fostering education, health care and development in third countries and promoting biological and cultural diversity on an international scale;

A business-friendly Single Market

29. Emphasises the need for effective implementation and completion of the financial supervisory package to achieve a sustainable internal market; calls for an assessment by the Commission to ensure that such implementation is undertaken throughout the EU and a correlation table published in a yearly basis; to that end, considers that best practices should be promoted amongst national and EU supervisory entities;

30. Calls on the Commission to improve SMEs' access to capital markets by streamlining information available on different EU financing opportunities such as those provided by the Competitiveness and Innovation Programme, the European Investment Bank or the European Investment Fund and by making funding procedures easier, quicker and less bureaucratic; to that end recommends a much more holistic approach to the award of funding, in particular in view of supporting the transition towards a more sustainable economy;

31. Believes that the pluralistic structure of the European banking market meets best the variety of financing needs of SMEs and that the diversity of legal models and business objectives improves access to finance;

⁽¹⁾ OJ C 146, 17.5.2001, p. 101.

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32. Highlights the economic importance of SMEs and micro-enterprises in the European economy; insists, therefore, on the need to ensure that the 'think small first' principle promoted by the 'Small Business Act' is well implemented and supports the Commission's measures aimed at removing the unnecessary administrative burdens on SMEs; suggests that SMEs with a specific growth potential, high wages and good working conditions should be supported and calls for a differentiation within the Small Business Act in order to bring it into line with Europe 2020;
33. Draws attention to the importance of local businesses for social ties, employment and dynamism in disadvantaged areas, particularly urban districts facing difficulties or sparsely populated areas; calls for them to receive appropriate support under the Union's regional policy;
34. Underlines the necessity of strengthening SMEs capabilities when it comes to project designing and proposal writing, including technical assistance and suitable education programmes;
35. Calls for the adoption of a Statute for a European Private Company to facilitate the establishment and cross-border operation of small and medium-sized enterprises in the Single Market;
36. Believes that the equity investors will be more encouraged to finance small and micro businesses in their start-up phase if more efficient exit routes are provided through national or pan-European growth stock markets that at present do not function adequately;
37. Urges all Member States to fully implement the Goods Package;
38. Points out the importance of interconnected business registers and calls on the Commission to develop a clear legal framework ensuring that information in such business registers is complete and correct;
39. Recognises the important contribution to growth and job generation of the retail sector; calls on the Commission to include within the Single Market Act a proposal for a European retail Action Plan that identifies and addresses the numerous challenges faced by retailers and suppliers within the Single Market; considers that the Action Plan should be based on the conclusions of the work underway in Parliament on 'a more efficient and fairer retail market';
40. Underlines the importance of removing unnecessary fiscal, administrative and legal barriers to cross-border activities; considers that a clearer VAT framework and reporting obligations for businesses are needed to encourage sustainable production and consumption patterns, limit adaptation costs, combat VAT fraud and enhance the competitiveness of EU firms;
41. Welcomes the Commission's intention to publish a Green Paper on corporate governance and to launch a public consultation on the information on social, environmental and human rights aspects of investment by businesses; urges the Commission to come up with concrete proposals on private investments in order to create efficient incentives for long-term, sustainable and ethic investments, to better coordinate corporate fiscal policies and to encourage corporate responsibility;
42. Welcomes the review of the Energy Tax Directive, with a view to better reflecting climate change objectives, provided that the tax burden does not fall unduly on vulnerable consumers;
43. Warmly welcomes the Commission's initiative for a Directive introducing a common consolidated corporate tax base and stresses that this could reduce tax avoidance and evasion and increase the transparency and comparability of corporate tax rates, thus reducing the obstacles to cross-border activities;

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44. Calls on the Commission to make public procurement procedures more effective and less bureaucratic in order to encourage EU firms to participate in cross-border public procurement; stresses that further simplification is needed especially for local and regional authorities and to allow SMEs greater access to public procurement; urges the Commission to provide data regarding the level of openness of public procurement and to ensure reciprocity with other industrialised countries and major emerging economies; invites the Commission to look into new ways of improving the access for European enterprises to public procurement markets outside the EU, in order to ensure a level playing field for both European and foreign enterprises competing for the award of public contracts;

45. Proposes, in more general terms, that future trade agreements negotiated by the Union should incorporate a chapter on sustainable development, drawing on the principles of CSR as defined by the 2010 update of the OECD Guidelines for Multinational Enterprises;

46. Calls on the Commission to develop greater coordination between SME-related measures at domestic and international level, and to identify and promote SMEs that have trade potential; takes the view that the Member States should do more to encourage SMEs to make use of existing initiatives and tools such as the market access database and the export helpdesk;

47. Takes the view that the Commission should improve its efforts to facilitate cross-border banking, by removing all existing obstacles to the use of competing clearing and settlement systems and by applying common rules to trading;

48. Considers that the Commission should sponsor a European skills exchange whereby small and medium-sized enterprises can benefit from the skills available in larger enterprises, thereby promoting synergies and mentoring;

49. Calls for Commission proposals to revise the Accounting Directives in order to avoid costly and inefficient over-regulation, in particular for SMEs, so that their competitiveness and growth potential can be exploited more effectively;

A Single Market for services

50. Stresses the need for full and proper implementation of the Services Directive, including the setting up of fully operational Points of Single Contact allowing for online completion of procedures and formalities, which can considerably reduce operational costs for enterprises and boost the Single Market for services; calls on the Commission and Member States to work together and take further steps in the development of the Single Market for services on the basis of the mutual evaluation process; urges the Commission to place special emphasis on the development of the Single Market for online services;

51. Calls on the Commission to encourage the development of the business services sector and to take the necessary regulatory measures in order to protect businesses, especially SMEs, from unfair commercial practices by larger enterprises in the supply chain; invites the Commission to define 'manifestly unfair commercial practices' in the supply chain, in consultation with the stakeholders, and to propose further action to prevent unfair commercial practices in respect of competition and freedom of contract; recalls its resolution of 16 December 2008 on misleading directory companies ⁽¹⁾ and urges the Commission again to come up with a proposal to prevent the fraudulent practices of misleading business directories;

52. Considers that any legislative proposal on services concessions should provide a legal framework that would ensure transparency, effective judicial protection for both economic operators and contracting authorities across the EU; asks the Commission, before proposing any legislation, to provide evidence that the general principles laid down in the Treaty on the Functioning of the European Union (non-discrimination, principle of equal treatment and transparency) are not satisfactorily applied to services concessions in practice;

⁽¹⁾ OJ C 45 E, 23.2.2010, p. 17.

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53. Welcomes the Commission's intention to propose a legislative reform of the standardisation framework, also covering services; stresses that the standardisation of services should lead to the completion of the single market where this has been shown to be worthwhile, and in particular must take full account of the needs of SMEs; recognises the role of product standards for the functioning of the European internal market and regards standards as a key tool for promoting sustainable and high-quality goods and services for consumer and enterprises; calls for measures promoting transparency, cost reduction and improved involvement of stakeholders;

54. Emphasises, in the interests of boosting regional competitiveness, the importance of 'smart specialisation' of regions; considers that the EU single market can only flourish as a whole when all actors and all regions – including SMEs in all sectors, including the public sector, the social economy and citizens themselves – are involved; considers also that not only a few high-tech areas, but all the regions of Europe and every Member State must be involved, each focusing on its own strengths ('smart specialisation') within Europe;

55. Highlights the importance of the external dimension of the internal market and, in particular, of regulatory cooperation with main trading partners, whether at bilateral or multilateral levels, with the objective of promoting regulatory convergence, equivalence of third-country regimes and the wider adoption of international standards; encourages the Commission to examine the existing agreements with third parties that extend elements of the internal market beyond its borders as to their effectiveness in providing legal certainty for its potential beneficiaries;

Key Priorities

Creating an EU Patent and a unified litigation system

56. Stresses that the creation of the EU Patent and of a unified litigation system, as well as an improved system for the management of copyright, is indispensable for supporting innovation and creativity within the Single Market (SMA proposals 1 and 2);

Financing innovation

57. Calls on the Commission and the Member States to take due account of the importance of innovation for strong and more sustainable growth and job creation by ensuring that innovation is properly financed, in particular through the creation of EU project bonds, especially in the areas of energy, transport and telecommunications, supporting the ecological transformation of our economies, and through a legislative framework to encourage venture capital funds to invest effectively throughout the EU; stresses that incentives should be provided for long-term investment in innovative and job-creating sectors (SMA proposals 15 and 16);

Stimulating e-commerce

58. Urges the Commission to take all the necessary steps to enhance the confidence of businesses and consumers in e-commerce and stimulate its development in the Single Market; stresses that an EU Action Plan against counterfeiting and piracy as well as a framework directive on the management of copyrights are crucial to reach this objective (SMA proposals 2, 3 and 5);

Improving SMEs participation in the Single Market

59. Highlights that further action is needed to make the Single Market a better environment for SMEs; considers that such action should include improving their access to capital markets, removing administrative and fiscal barriers to their cross-border activities by adopting a clearer VAT framework and a common consolidated corporate tax base, as well as the revision of the public procurement framework, to make procedures more flexible and less bureaucratic (SMA proposals 12, 17, 19 and 20);

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Rationalising public procurement procedures

60. Asks the Commission to review the legislation relating to public procurement and public and private partnership with a view to fostering smart, sustainable and inclusive growth within the Single Market and to stimulating cross-border public procurement; stresses the need for a clearer framework, providing legal certainty for both economic operators and contracting authorities; strongly encourages Member States to use pre-commercial public procurement in order to stimulate the market for innovative and green technologies; insists on the need to ensure reciprocity with industrialised countries and major emerging economies in the field of public procurement (SMA proposal 17 and 24);

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61. 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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Situation in Syria, Bahrain and Yemen

P7_TA(2011)0148

European Parliament resolution of 7 April 2011 on the situation in Syria, Bahrain and Yemen

(2012/C 296 E/11)

The European Parliament,

- having regard to its previous resolutions on Syria and Yemen,
- having regard to its resolution on European Union relations with the Gulf Cooperation Council of 24 March 2011 ⁽¹⁾,
- having regard to its resolution containing the European Parliament's recommendation to the Council on the conclusion of a Euro-Mediterranean Association Agreement between the European Community and its Member States, of the one part, and the Syrian Arab Republic, of the other part, of 26 October 2006 ⁽²⁾,
- having regard to the statement by European Parliament President Jerzy Buzek on the deadly attack against protesters in Syria of 23 March 2011,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966, to which Bahrain, Syria and Yemen are parties,
- having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1975, to which Bahrain, Syria and Yemen are parties,
- having regard to the conclusions of the European Council of 24 and 25 March 2011,
- having regard to the Council conclusions on Bahrain and on Yemen of 21 March 2011,
- having regard to the statements of the High Representative/Vice-President of the Commission on Bahrain of 10, 15 and 17 March 2011, on Syria of 18, 22, 24 and 26 March 2011 and on Yemen of 10, 12 and 18 March 2011 and of 5 April 2011,
- having regard to the Joint Communication by the High Representative and the Commission on 'A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean' of 8 March 2011,
- 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,

⁽¹⁾ Texts adopted, P7_TA(2011)0109.

⁽²⁾ OJ C 313 E, 20.12.2006, p. 436.

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- A. whereas, following similar developments in other Arab countries, demonstrators in Bahrain, Syria and Yemen have expressed legitimate democratic aspirations and strong popular demand for political, economic and social reforms aimed at achieving genuine democracy, fighting corruption and nepotism, ensuring respect for the rule of law, human rights and fundamental freedoms, reducing social inequalities and creating better economic and social conditions,
- B. whereas the respective governments have reacted by increasing violent repression, declaring a state of emergency and applying counterterrorism laws to justify serious crimes, including extrajudicial killings, abductions and disappearances, arbitrary arrests, torture and unfair trials,
- C. whereas the excessive use of force against protestors by security forces in Bahrain, Syria and Yemen has resulted in serious loss of life, injuries and imprisonments, and violates the International Covenant on Civil and Political Rights (ICCPR), to which these countries are parties,
- D. whereas demonstrations in Syria began in the southern city of Daraa before spreading across the country; whereas the Syrian authorities have repressed demonstrations using live bullets to disperse peaceful gatherings, arrested hundreds of civilians and mobilised pro-regime demonstrators in Damascus and other cities; whereas the Syrian Government resigned on 29 March 2011 and Mr Adel Safar has been appointed to form a new government; whereas the speech given by President Bashar al-Assad in the Syrian Parliament on 30 March 2011 failed to meet expectations and satisfy hopes for significant reforms,
- E. whereas Syria has been under emergency law since 1963; whereas the emergency law is effectively limiting citizens in the exercise of their civil and political rights while allowing ongoing control by the Syrian authorities over the judicial system,
- F. whereas Syria's government has made a number of public statements committing it to freedom of expression and political participation (the lifting of the emergency law, the abolition of Article 8 of the Syrian Constitution, which states that the Ba'ath Party leads the state and society, solution of the problems caused by the 1962 census in al-Hasaka governorate, which resulted in hundreds of thousands of Kurds being deprived of their passports and registered as foreigners) but has failed to deliver tangible progress on these issues; whereas the prominent Syrian human rights activist and government critic Haitham al-Maleh was released from jail in March 2011 and has called on the international community to exert pressure on the Syrian regime to respect its international obligations with regard to human rights,
- G. whereas the Association Agreement between the European Community and its Member States, of the one part, and the Syrian Arab Republic, of the other part, has still to be signed; whereas the signing of this Agreement has been delayed at Syria's request since October 2009; whereas respect for human rights and fundamental freedoms constitutes an essential part of this Agreement,
- H. whereas demonstrations started in Bahrain on 14 February 2011, the demonstrators calling for political reforms such as a constitutional monarchy and an elected government as well as an end to corruption and to the marginalisation of Shiites, who represent over 60 % of the population; whereas the situation in Bahrain remains tense, with between 50 and 100 people reported missing over the past week; whereas, according to reports, medical personnel, human rights defenders and political activists have been detained in Bahrain and hospital wards have been taken over by security forces,
- I. whereas, at the request of the Government of Bahrain, Gulf Cooperation Council security forces from Saudi Arabia, United Emirates and Kuwait have been deployed in Bahrain,

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- J. whereas millions of citizens have been demonstrating largely peacefully in Yemen since January 2011 and close to one hundred people have allegedly been killed, mainly by the security forces using live ammunition to fire on crowds, while hundreds have been wounded; whereas in Yemen ambulances taking wounded anti-government protesters to hospital were hindered by security forces,
- K. whereas President Ali Abdullah Saleh, who has been ruling the country for 32 years, has promised to step down in Yemen; whereas, however, the President has not taken any serious steps to fulfil his promises of a peaceful democratic transition so far,
- L. whereas members of the Gulf Cooperation Council have decided to invite Yemeni government and opposition representatives to talks in Riyadh to resolve the impasse on some specific issues,
- M. whereas Yemen is the poorest country in the Middle East, with widespread malnutrition, dwindling oil reserves, a growing population, weak central government, growing water shortages and little investment in the country's economy; whereas there is serious concern for the disintegration of the Yemeni state, a fragile truce having been in force since February with the Shiite rebels in the North, a secessionist movement existing in the South and many al-Qaeda fighters reportedly using Yemen as a base,
- N. whereas in Bahrain and in Yemen a state of emergency has recently been declared; whereas the declaration of a state of emergency in any country does not absolve the nation's government of its essential obligation to uphold the rule of law and its international human rights commitments,
1. Strongly condemns the violent repression by security forces of peaceful demonstrators in Bahrain, Syria and Yemen, and extends its condolences to the families of the victims; expresses its solidarity with the people in those countries, applauds their courage and determination, and strongly supports their legitimate democratic aspirations;
2. Urges the authorities of Bahrain, Syria and Yemen to refrain from the use of violence against protestors and to respect their right to freedom of assembly and expression; condemns the interference by the authorities in Bahrain and Yemen in the provision of medical treatment and the denial and limiting of access to health facilities; stresses that those responsible for the loss of life and injuries caused should be held accountable and brought to justice; calls on the authorities to immediately release all political prisoners, human rights defenders and journalists and all those detained in relation to their peaceful activities in the context of the protests;
3. States that the use of violence by a state against its own population must have direct repercussions on its bilateral relations with the European Union; reminds the EU High Representative/Vice-President of the Commission that the EU can use numerous tools to deter such actions, such as asset freezes, travel bans etc.; recalls however that the people at large should never be affected by such a review of bilateral relations;
4. Calls on the European Union and its Member States to take into full consideration recent and ongoing events and further developments in Bahrain, Syria and Yemen in bilateral relations with these countries, including the suspension of further negotiations over the signing of the still pending Association Agreement between the EU and Syria; is of the opinion that the conclusion of such an agreement should depend on the capacity of the Syrian authorities to carry out the expected democratic reforms in tangible form;

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5. Calls on the European Union and its Member States to support calls for independent investigations into the attacks against protestors in those countries, with special regard to an independent investigation to be carried out by the United Nations (UN) or the International Criminal Court into the attack on protestors on 18 March 2011 in Sana'a, Yemen, where 54 people were killed and more than 300 were injured; calls on the EU to immediately take the lead in convening a Special Session of the HRC to address abuses committed in Bahrain, Syria and Yemen during the crackdown on demonstrations and repression of dissent;
6. Calls on the governments of Bahrain, Syria and Yemen to engage in an open and meaningful political process and dialogue without delay or preconditions, with the participation of all democratic political forces and civil society, aimed at paving the way for genuine democracy, the lifting of the state of emergency and the implementation of real, ambitious and significant political, economic and social reforms, which are essential for long-term stability and development;
7. Calls on the Bahraini, Syrian and Yemeni authorities to respect their international commitments to human rights and fundamental freedoms; calls on the authorities in those countries to immediately lift the state of emergency, immediately release all political prisoners, human rights defenders, journalists and peaceful demonstrators, enshrine freedom of expression and of association in law and in practice, step up measures to fight corruption, guarantee equal rights for minorities, ensure access to means of communication, such as the internet and mobile telephony, and ensure access to independent media;
8. Takes note of the resignation of the Government of Syria on 29 March 2011, but believes that this will not be enough to counter the growing frustrations of the Syrian people; calls on President Bashar al-Assad to put an end to the policy of repression of political opposition and human rights defenders, to genuinely lift the state of emergency that has been in place since 1963, to promote the process of democratic transition in Syria and to establish a concrete agenda for political, economic and social reforms;
9. Calls on the Government of Bahrain and other parties to engage in a meaningful and constructive dialogue without delay or preconditions, in order to bring about reforms; welcomes the UN Secretary-General's announcement that the UN stands ready to provide support to nationally-led efforts, if requested to do so;
10. Expresses its concern at the presence of foreign troops under the GCC banner in Bahrain; calls on the GCC to use its resources as a regional collective player to act constructively and mediate in the interests of peaceful reforms in Bahrain;
11. Calls on President Saleh of Yemen to take concrete steps towards the implementation of his pledge to 'transfer power peacefully through constitutional institutions'; calls on all parties, including the opposition, to act responsibly, to engage in an open and constructive dialogue without delay, in order to achieve an orderly political transition, and to include all parties and movements representing the Yemeni people in this dialogue;
12. Expresses its grave concern over the level of poverty and unemployment and the growing political and economic instability in Yemen; insists that the delivery on the ground of the pledges from the donor conference 2006 must be accelerated; additionally calls on the EU and the Gulf Cooperation Council to make a particular effort to provide financial and technical support as soon as President Saleh is ready to give way to a democratically established government;

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13. Calls on the European Union and its Member States to support the peaceful democratic aspirations of people in Bahrain, Syria and Yemen, to review their policies towards those countries, to respect the EU Code of Conduct on Arms Exports, and to stand ready to assist, in case of a serious commitment by national authorities, in the implementation of concrete political, economic and social reform agendas in those countries;

14. Calls on the Commission to make full and effective use of the existing support given through the ENPI, EIDHR and IfS, and to urgently draw up concrete proposals on how future EU financial assistance can better assist the countries and civil societies in the Middle East and in the Gulf in their transition towards democracy and respect for human rights;

15. Stresses the commitments by the High Representative of the Union for Foreign Affairs and Security Policy and the Commission in the Joint Communication on a Partnership for Democracy and Shared Prosperity within the Southern Mediterranean to further support democratic transformation and civil society in response to the current historic developments in the region; calls for EU assistance to democratic processes in the Mediterranean and Gulf regions to ensure full participation of all citizens – particularly women, who have played a crucial role in the demands for democratic change – in political life;

16. 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 governments and parliaments of the Member States, the Government and Parliament of the Kingdom of Bahrain, the Government and Parliament of the Syrian Arab Republic, and the Government and Parliament of the Republic of Yemen.

Fourth United Nations Conference on the Least Developed Countries

P7_TA(2011)0149

European Parliament resolution of 7 April 2011 on the Fourth United Nations Conference on the Least Developed Countries

(2012/C 296 E/12)

The European Parliament,

- whereas in 1971 the UN recognised the Least Developed Countries (LDCs) as the ‘poorest and weakest segment’ of the international community,
- having regard to the criteria established by the UN Committee for Development Policy (CDP) to identify LDCs,
- having regard to the Paris Declaration for the Least Developed Countries adopted in September 1990,
- having regard to the UN Secretary-General’s report on ‘Implementation of the Programme of Action for the LDCs for the decade 2001-2010’ (A/65/80),
- having regard to the results of the UN High-Level Meeting on the Millennium Development Goals (MDGs) held in September 2010,
- having regard to the Brussels Programme of Action (BPoA) for the LDCs adopted at the Third UN Conference on the LDCs (LDC-III) held in Brussels in May 2001,
- having regard to the decision taken in 2008 by the UN General Assembly to convene the Fourth UN Conference on the LDCs (LDC-IV),

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- whereas LDC-IV will assess the results of the BPoA as it comes to an end and propose new actions (2011-2020) designed to encourage the sharing of best practices and lessons learnt and identify policy decisions and challenges that the LDCs will face in the next decade and the action required,
 - having regard to the 1986 UN Declaration on the Right to Development,
 - having regard to the MDG of reducing poverty by half by 2015,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas 48 countries are currently classified as LDCs, 33 in Africa, 14 in Asia and one in Latin America; whereas 16 of these countries are landlocked and 12 are small islands,
- B. whereas 75 % of the 800 million habitants of the LDCs live on less than USD 2 per day, whereas since the establishment of this category by the UN in 1971 the number of LDCs has risen from 25 to 48, and whereas only Botswana in 1994, Cape Verde in 2007 and the Maldives in January 2011 have graduated from LDC status,
- C. whereas the average Human Development Index rating for the LDCs rose only from 0,34 to 0,39 between 2000 and 2010; whereas on average the LDCs are on track to achieve only two out of seven MDGs,
- D. whereas since LDC-III and the adoption of the BPoA some positive steps have been taken, for example the 'Everything But Arms' (EBA) initiative and the increases in Official Development Assistance (ODA), which doubled between 2000 and 2008, and direct foreign investment, which rose from USD 6 to USD 33 billions, enabling 19 countries to achieve a growth rate of 3 %,
- E. whereas the LDC-IV recommendation can only be achieved if crucial issues affecting LDCs, such as policy coherence between trade and development, agriculture, fisheries, investment and climate change, are properly addressed and important topics, such as governance and the fight against corruption, in particular the concept of the 'governance contract' (incorporating in particular a social threshold) between partner and donor countries, and human capacity-building, are put on the agenda,
- F. whereas LDC-IV will reaffirm the global commitment to the partnership to address the needs of the LDCs; whereas the ongoing preparations for LDC-IV include national consultations, regional meetings and conferences involving a broad spectrum of stakeholders, such as parliamentarians, civil society and the private sector,
- G. whereas support for sustainable development implies support for health, education and training, the promotion of democracy and the rule of law, and respect for human rights and fundamental freedoms, which are essential components of the EU's development policy,
- H. whereas, in addition to the existing structural challenges, the situation in the LDCs has been exacerbated by the recent global financial, food, climate change and energy crises,

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- I. whereas, although agriculture forms the basis of many LDC economies and provides up to 90 % of jobs, food security is threatened,
- J. whereas there can be no significant development without a significant role for States on the basis of an improved capacity to engage in economic development, wealth creation and the fair redistribution of wealth, private-public partnerships and properly planned foreign investment fully respecting ILO core labour standards and environmental protection principles; whereas the State must assume its responsibility for providing stability and a legal framework,
- K. whereas each LDC needs to identify priorities and solutions appropriate to its national context, based on the democratic participation of the people in decision-making,
- L. whereas the success of the Istanbul conference depends on concrete results (e.g. governance contract, social threshold, debt alleviation, development aid, innovative financing) and the quality of the participants' input,
 1. Considers that LDC-IV should be result-oriented, on the basis of clear indicators and the objective of reducing the number of LDCs by half by 2020, combined with efficient and transparent monitoring and follow-up mechanisms;
 2. Stresses that EU aid to LDCs should be geared primarily to wealth creation and the development of a market economy, which are basic prerequisites for poverty eradication;
 3. Calls for priority to be given to economic growth as a key element for development and overall poverty reduction in LDCs;
 4. Believes that LDC-IV should focus on Policy Coherence for Development as an important factor for policy shift, at national and international level; calls, therefore, for policy-making in all areas – such as trade, fisheries, the environment, agriculture, climate change, energy, investment and finance – to support the development needs of LDCs in order to fight poverty and guarantee decent incomes and livelihoods;
 5. Urges the EU to honour its commitments in terms of market access and debt alleviation; reaffirms the importance of reaching the ODA target of 0.15 to 0.20 % of GNI for the LDCs, mobilising, for this purpose, domestic resources and, as a complementary measure, innovative financing mechanisms;
 6. Recalls the objective of graduation from the LDC category, and draws attention to the framework set by the MDG Summit in September 2010 with a view to speeding up poverty eradication, creating sustainable economic development aimed at improving the living standards of the LDCs' population, establishing good governance and fostering capacity-building;
 7. Stresses the need for new measures to integrate the LDCs into the global economy and improve their access to EU markets; calls on the Commission to increase its trade-related assistance to help the poorest countries deal with the competition resulting from market liberalisation;

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8. Recalls that peace and security are vital to the effectiveness of development policies and that the EU should coordinate its approach more closely in order to address stability issues in the LDCs and support efforts to acquire the capacities to build peaceful, democratic and inclusive states;
9. Recalls the need to give priority to food security, agriculture, infrastructure, capacity-building, inclusive economic growth, access to technologies and human and social development in the LDCs;
10. Calls for the establishment of fair and equitable trade rules and the implementation of integrated policies across a wide range of economic, social and environmental issues in order to foster sustainable development;
11. Recalls the need to take effective measures on price volatility and transparency and on better regulated financial markets in order to protect the LDCs and reduce their vulnerability;
12. Recalls the need to contribute to developing national tax systems and good governance in tax matters, and calls on the UN to establish adequate mechanisms in this regard;
13. Urges the EU and Member States to discuss the implementation of innovative development financing mechanisms at the LDC IV such as a financial transaction tax; stresses that ODA commitments and innovative financing mechanisms must be seen as essential and complementary in the fight against poverty;
14. Urges the UN and the EU seriously to address at LDC-IV the adverse impact of farmland acquisition, such as the expropriation of small farmers and the unsustainable use of land and water;
15. Recalls that the long-term goal of development cooperation must be to create the conditions for sustainable economic development and fair redistribution of wealth; therefore stresses the need to identify the LDCs' needs and strategies, to diversify trade by enhancing fair prices for LDC production and to address supply-side constraints to increase the LDCs' trading capacity and ability to attract investment which respects ILO core labour standards and protection of the environment;
16. Is aware that EBA has not fully achieved its original objectives and, therefore, that the quality and the volume of trade from LDCs to the EU market has remained below expectations, in particular because of a lack of adequate trade-related and port infrastructure; advocates the development of such infrastructure, which remains the key to increasing trade capacities;
17. Underlines the need to enhance aid effectiveness for development, in line with the Paris Declaration and the Accra Agenda;
18. Emphasises the role played by the European Parliament and its decisive role in approving the EU development budget; is therefore convinced that Parliament should be more closely involved in preparing EU development strategy; considers it essential, furthermore, for a reporting-back mechanism to be put in place;

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19. Considers that the adoption of the new US 'Conflict Minerals' Law is a huge step forward in combating the illegal mining of and trading in minerals in Africa, which fuels civil war and conflicts; takes the view that the UN should put forward a similar proposal to ensure the traceability of imported minerals on the world market;
20. Calls for a climate-change risk assessment of the relevant aspects of development policy planning and decision-making, including trade, agriculture and food security, and calls for the outcome of this assessment to be used to formulate clear guidelines for development cooperation policy;
21. Expresses its concern at the mounting likelihood of environmental disasters causing massive migrations and making emergency aid to help this new category of displaced persons essential;
22. Stresses the importance of regional cooperation and integration, and calls for the strengthening of regional frameworks which primarily enable smaller countries to obtain resources, know-how and expertise;
23. Stresses that the lack of progress as regards the management of public finances still disqualifies most of these countries from receiving budget support, an essential factor in each country's capacity-building process;
24. Stresses the importance for the LDCs of the development of trilateral cooperation, in particular with emerging countries, with a view to pushing forward in the direction of comprehensive cooperation to achieve mutual benefits and common development;
25. Instructs its President to forward this resolution to the Council and Commission and to the Secretary-General of the United Nations.

2010 progress report on Iceland

P7_TA(2011)0150

European Parliament resolution of 7 April 2011 on the 2010 progress report on Iceland

(2012/C 296 E/13)

The European Parliament,

- having regard to the Regulation of the European Parliament and of the Council of 31 May 2010 adding Iceland to the list of countries eligible for EU pre-accession aid to help applicant countries come into line with the body of European law,
- having regard to the Commission's Opinion of 24 February 2010 on Iceland's application for membership of the European Union (SEC(2010)0153),
- having regard to the decision of the European Council of 17 June 2010 to open accession negotiations with Iceland,
- having regard to the General EU Position and the General Position of the Government of Iceland adopted at the ministerial meeting opening the Intergovernmental Conference on the Accession of Iceland to the European Union on 27 July 2010,
- having regard to the Communication from the Commission to the European Parliament and the Council entitled 'Enlargement Strategy and Main Challenges 2010-2011' (COM(2010)0660) and to the Iceland 2010 Progress Report adopted on 9 November 2010,

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- having regard to its resolution of 26 November 2009 on the enlargement strategy 2009 concerning the countries of the Western Balkans, Iceland and Turkey ⁽¹⁾,
 - having regard to its resolution of 7 July 2010 on Iceland's application for membership of the European Union ⁽²⁾,
 - having regard to the recommendations of the first meeting of the EU-Iceland Joint Parliamentary Committee, adopted in October 2010,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas Iceland fulfils the Copenhagen criteria, and accession negotiations with Iceland were opened on 27 July 2010 after approval by the Council,
- B. whereas the screening process started on 15 November 2010 and is planned to last until 17 June 2011,
- C. whereas, as underlined by the renewed consensus on enlargement, each country's progress towards membership of the European Union is a merit-based one,
- D. whereas Iceland is already cooperating closely with the EU as a member of the European Economic Area (EEA), the Schengen Agreements and the Dublin Regulation, and, as such, has already adopted a significant part of the acquis,
- E. whereas Iceland contributes to European cohesion and solidarity through the Financial Mechanism under the EEA and cooperates with the EU in peacekeeping and crisis management operations,
1. Welcomes the launch of the accession negotiations with Iceland in July 2010; considers it essential to create the conditions to complete the accession process with Iceland and ensure that its accession will be a success;

Political criteria

2. Welcomes the prospect of having as a new EU member a country with a strong democratic tradition and civic culture; underlines that Iceland's accession to the EU will further enhance the Union's role as a world-wide promoter and defender of human rights and fundamental freedoms;
3. Commends Iceland for its good record in safeguarding human rights and ensuring a high level of cooperation with international mechanisms for the protection of human rights;
4. Supports the ongoing work to strengthen the legislative environment with regard to freedom of expression and access to information; welcomes, in this respect, the Icelandic Modern Media Initiative, enabling both Iceland and the EU to position themselves strongly as regards legal protection of the freedoms of expression and information;
5. Welcomes the establishment of the EU-Iceland Joint Parliamentary Committee in October 2010 and is convinced that this forum will contribute to enhancing cooperation between the Althingi and the European Parliament during the accession process;
6. Strongly encourages the Icelandic authorities to harmonise EU citizens' rights concerning their right to vote in local elections in Iceland;

⁽¹⁾ OJ C 285 E, 21.10.2010, p. 47.

⁽²⁾ Texts adopted, P7_TA(2010)0278.

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7. Notes the good progress in strengthening the independence of the judiciary and welcomes the measures taken by the Icelandic authorities in May 2010 to address the predominance given to the Minister of Justice in judicial appointments, as well as the amendments brought to the Judiciary Act that strengthen the independence of the judiciary, while emphasising the need for a thorough implementation of these measures;

8. Welcomes the work done by the Office of the Special Prosecutor, as well as the report of the Special Investigation Commission established in December 2008 by the Icelandic Parliament to investigate and analyse the processes leading to the collapse of the banking system, and the progress that has been made in addressing the political, institutional and administrative consequences of the collapse of the Icelandic banking system, while noting that the implementation of its recommendations is still under way and needs to be pursued with relentless efforts;

Economic criteria

9. Welcomes Iceland's generally satisfactory track record in implementing its EEA obligations and in its ability to withstand competitive pressure and market forces within the EU;

10. Notes, however, that the last EFTA scoreboard report showed that Iceland's transposition deficit increased slightly and that at 1,3 % it remained above the 1 % interim target, although the transposition delay was reduced;

11. Welcomes the agreement achieved between the representatives of the Governments of Iceland, the Netherlands and the UK on the Icesave issue, notably on guaranteeing the repayment of costs incurred in payment of minimum guarantees to depositors in branches of Landsbanki Islands hf. in the UK and the Netherlands; welcomes the approval by a three-quarters majority of the agreement by the Icelandic Parliament on 17 February 2011; takes note of the decision of the President of Iceland to refer the bill to a referendum and hopes for an end to the infringement procedure which started on 26 May 2010, brought by the EFTA Surveillance Authority against the Government of Iceland;

12. Welcomes the fact that the institutional shortcomings in the financial sector have been addressed and that progress has been made in strengthening bank regulatory and supervisory practices, in particular with regard to the powers of the Financial Supervisory Authority;

13. Welcomes the presentation by Iceland to the European Commission of its first Pre-Accession Economic Programme as an important step in the pre-accession phase and hopes that the annual bilateral economic dialogue that has been announced will consolidate the cooperation between the two parties;

14. Encourages the Icelandic authorities to continue on the path of devising a strategy for the liberalisation of capital controls, which is an important requirement for the country's accession to the EU;

15. Welcomes the recent positive fourth review of the IMF stand-by programme which outlines important developments of fiscal and economic consolidation in Iceland, as well as the fact that after shrinking for seven consecutive quarters, the Icelandic economy has exited recession, and the real gross domestic product registered a growth of 1,2 % in the July-September 2010 period from the previous quarter;

16. Welcomes policies to further diversify Iceland's economy as a necessary step for the country's long-term economic well-being; encourages the Icelandic authorities to further develop the tourism business which is regarded as a promising longer-term growth sector and has overall shown an increasing share in production and employment;

17. Takes note of Iceland's position on joining the euro zone, an ambition that can be achieved after it becomes a member of the EU and once all the necessary conditions have been met;

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18. Is concerned about Iceland's high level of unemployment and particularly youth unemployment, as well as the drop in investments and internal consumption following the economic and financial crisis, although noting signs of improvement in some of these areas; notes that the low-cost, green energy and green energy-technology that Iceland produces could be a more important factor in rebooting the economy;

19. Commends Iceland for its high rates of investment in education, research and development and its support and involvement in the Lisbon strategy, including adopting an Iceland 2020 strategy which emphasises the importance of education, research and development and outlines measurable targets;

Capacity to adopt the obligations of membership

20. Notes that Iceland, as an EEA member, is well advanced as regards the requirements of 10 of the negotiating chapters and partly fulfils the requirements of 11 of the negotiating chapters; emphasises that the fulfilment of Iceland's obligations under the EEA Agreement are important requirements in the accession negotiations;

21. Calls on Iceland to enhance the preparations for alignment with the EU acquis, in particular in areas not covered by the EEA, and to ensure its implementation and enforcement by the date of accession;

22. Calls on Iceland to prepare for its participation in the EU's agricultural and rural development policy, and in particular to enhance the efforts to put in place the administrative structures necessary to implement these policies by the date of accession; stresses, nevertheless, the peculiarity of Iceland's ecosystem and encourages the Commission and the Icelandic authorities to find a mutually satisfactory agreement, taking into account the unique characteristics of Iceland's environment;

23. Taking account of the fact that the common fisheries policy is currently being revised, and that the acquis may be modified before Iceland's accession, calls on Iceland and the EU to approach this chapter of the negotiations in a constructive way with a view to a mutually satisfactory solution for the sustainable management and exploitation of fisheries resources;

24. Notes Iceland's good track record for managing its fisheries resources in a sustainable way and based on scientific assessments;

25. Calls on the Icelandic authorities to adapt its legislation according to the internal market acquis regarding the right of establishment, freedom to provide services and free movement of capital in the fisheries production and processing sectors;

26. Calls on Iceland to continue the constructive talks with the EU and Norway, aimed at reaching a resolution of the mackerel dispute based on realistic proposals which safeguard the future of the stock, protect and maintain jobs in the pelagic fishery and ensure a long-term, sustainable fishery;

27. Notes that Iceland can bring a valuable contribution to EU policies due to its experience in the field of renewable energies, particularly as regards the utilisation of geothermal energy, protection of the environment and measures to deal with climate change;

28. Notes, however, that serious divergences remain between the EU and Iceland on issues related to the management of marine life, notably on whale hunting; points out that the ban on whaling is part of the EU acquis and calls for broader discussions on the matter of the abolition of whale hunting and of trade in whale products;

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29. Takes note of the fact that Iceland is a non-military state and does not produce arms; welcomes Iceland's continued support for civilian CSDP operations and its alignment with most declarations and decisions in the area of CFSP;

30. Welcomes Iceland's foreign policy tradition anchored in international law, human rights, gender equality and development cooperation, and its security policy concept based on civilian values;

Regional cooperation

31. Considers that Iceland's accession to the EU would enhance the Union's prospects of playing a more active and constructive role in Northern Europe and in the Arctic, contributing to multilateral governance and sustainable policy solutions in the region; regards positively Iceland's participation in the Nordic Council as well as in the EU's Northern Dimension Policy, the Barents Euro-Arctic Council and the Arctic Council, which is the main multilateral forum for cooperation in the Arctic; believes that Iceland's accession to the EU would further anchor the European presence in the Arctic Council;

32. Highlights the need for a more effective and coordinated Arctic policy of the European Union and expresses the view that Iceland's accession to the EU would reinforce the North Atlantic dimension of the Union's external policies;

Public opinion and support for enlargement

33. Encourages the Icelandic authorities to broaden the public debate about EU accession, taking into account the need for a firm commitment in order to have successful negotiations; commends Iceland for the establishment of the public website eu.mfa.is and welcomes the growing and more balanced discussions in the Icelandic media on the pros and cons of EU membership;

34. Calls on the Commission to provide material and technical support, if requested to do so by the Icelandic authorities, in order to help them improve transparency and accountability in relation to the accession process and to contribute to organising a thorough and extensive country-wide campaign based on clear, accurate and fact-based information on the implications of EU membership, so that Icelandic citizens can make an informed choice in the future referendum on accession;

35. Hopes that, beyond different political points of view, an informed public opinion can also positively influence the Icelandic authorities' engagement towards EU membership;

36. Is of the view that it is crucial to give EU citizens clear and comprehensive fact-based information on the implications of Iceland's accession; calls on the Commission and the Member States to make efforts to that end, and considers it to be equally important to listen to and address citizens' concerns and questions and to respond to their views and interests;

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37. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the President of the Althingi and the Government of Iceland.

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2010 progress report on the former Yugoslav Republic of Macedonia

P7_TA(2011)0151

European Parliament resolution of 7 April 2011 on the 2010 progress report on the former Yugoslav Republic of Macedonia

(2012/C 296 E/14)

The European Parliament,

- having regard to the European Council decision of 16 December 2005 to grant the former Yugoslav Republic of Macedonia the status of candidate country for EU membership and to the Presidency Conclusions issued following the European Councils of 15 and 16 June 2006 and 14 and 15 December 2006,
 - having regard to UNSC Resolutions 845 (1993) and 817 (1993), and to the 1995 Interim Accord between the Hellenic Republic and the former Yugoslav Republic of Macedonia,
 - having regard to the Commission's 2010 Progress Report on the former Yugoslav Republic of Macedonia (SEC(2010)1332) and the Commission Communication of 9 November 2010 entitled 'Enlargement Strategy and Main Challenges 2010-2011' (COM(2010)0660),
 - having regard to its resolution of 10 February 2010 on the 2009 progress report on the former Yugoslav Republic of Macedonia ⁽¹⁾,
 - having regard to the recommendations of the EU – former Yugoslav Republic of Macedonia Joint Parliamentary Committee of 30 November 2010,
 - having regard to Council Decision 2008/212/EC of 18 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with the former Yugoslav Republic of Macedonia ⁽²⁾,
 - having regard to the conclusions of the General Affairs and Foreign Affairs Councils of 13 and 14 December 2010,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the process of EU enlargement is a powerful driver for peace, stability and reconciliation in the region,
- B. whereas in 2005 the European Council granted candidate status to the former Yugoslav Republic of Macedonia but has failed ever since to set a date for the opening of negotiations, in spite of the substantial progress made by that country on its path towards the EU; whereas bilateral issues should not represent and be used as an obstacle in the accession process, although they should be settled before membership; whereas continuation of the accession process would contribute to the stability of the former Yugoslav Republic of Macedonia and would further strengthen inter-ethnic dialogue,
- C. whereas intensifying economic dialogue and cooperation with the enlargement countries enables the EU to focus together on overcoming the economic crisis and contributes to the Union's global competitiveness,

⁽¹⁾ OJ C 341 E, 16.12.2010, p. 54.

⁽²⁾ OJ L 80, 19.3.2008, p. 32.

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- D. whereas the 2010 enlargement strategy highlights as priorities the reform of public administration and the judiciary, the fight against organised crime and corruption, and the dialogue among political actors,
- E. whereas the EU operates comprehensive approval procedures that ensure new members are admitted only when they have met all requirements, and only with the active consent of the EU institutions and of the EU Member States,
- F. whereas freedom of expression and the independence of the media remain a concern in most of the enlargement countries,

Political developments

1. Shares the assessment by the Commission's 2010 progress report on the former Yugoslav Republic of Macedonia and regrets that the Council has not taken a decision on the opening of accession negotiations, as recommended by the Commission for a second year in a row and in line with previous Parliament resolutions; recalls its previous recommendation to the Council to start the negotiations immediately;
2. Notes the recent political developments leading to the early elections; calls on all political parties to play an active and constructive role in the process of preparing the elections; emphasises that free and fair elections conducted on the basis of full transparency and in line with international standards are an important element of a consolidated democracy; calls on all political parties actively to participate in the elections; is concerned at the current political situation and appeals to all political leaders to seek consensus on the basis of democratic institutions;
3. Points out that bilateral issues need to be resolved by the parties concerned in a good neighbourly spirit and taking overall EU interests into account; appeals to all the key players and parties concerned to step up their efforts and to demonstrate responsibility and determination for solving all outstanding issues which are not only hindering the accession process of the candidate country, and the EU's own policy in the region, but could also have repercussions on inter-ethnic relations, regional stability and economic development;
4. Congratulates the country on the 10th anniversary of the Ohrid Framework Agreement, which remains the cornerstone of inter-ethnic relations in the country, and calls on the government and all state institutions to use the this landmark anniversary as a means to encourage the continuous fostering of inter-ethnic cooperation and trust; is, however, concerned by growing inter-ethnic tensions over the construction on the site of the Kale fortress in Skopje; appeals to all political and religious leaders and media outlets to act responsibly, refraining from any actions which could increase inter-ethnic tensions; notes with concern the risk of a growing isolationist mentality, which could develop as a substitute policy in the absence of a tangible EU perspective;
5. Calls on the government to foster a comprehensive dialogue between the ethnic communities, to take due account of the sensitivities of all the communities and minorities in its decisions, such as the urban plan for 'Skopje 2014', and to avoid acts and initiatives aimed at strengthening the national identity at the expense of other communities; draws attention to the need for effective functioning of the parliamentary committee on inter-ethnic relations in the integration of the minorities in the legislative process and emphasises that additional efforts are necessary to take forward the decentralisation process in line with the Ohrid Framework Agreement;
6. Regrets that the UN mediation efforts to solve the name dispute have not yielded concrete results;

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Democracy, the rule of law and human rights

7. Recalls that a healthy political culture is the foundation of democracy; calls on the opposition parties to end the boycott of the national parliament and resume the political dialogue within institutions; considers that it is the responsibility of the government and opposition to ensure immediate and open dialogue on all the existing challenges which the country is facing; points out that political instability could affect the European integration process, which should be a common shared priority for all the components of society; welcomes the adoption of the amendments to the rules of procedure of the parliament, allowing for stronger engagement by the opposition in its work; is, however, concerned that there is insufficient dialogue between the government and opposition parties and a general climate of distrust and confrontation; urges both sides to foster a climate of trust and to show strong commitment to using the new parliamentary rules of procedure in order to strengthen the political dialogue and constructive cooperation in the legislative process and in parliamentary scrutiny of the government's activities;

8. Welcomes the political will to complete the long overdue announcement of names of agents affiliated to the former Yugoslav secret services as a major step toward breaking with the old Communist era; however, notes insufficient progress with the full enforcement of the relevant laws; urges the government to complete the lustration process without delay, avoiding using it selectively for political purposes, such as political self-legitimation or the defamation of political opponents;

9. Pays tribute to the excellent work of the outgoing EU Special Representative/Head of EU Delegation; condemns the inappropriate attacks by politicians of the governing party on EU representatives and regrets that the government has not unequivocally and publicly dissociated itself from such insults; considers these incidents to be extremely detrimental to the country's image;

10. Draws attention to the need to improve the electoral legislation in order to bring it into line with the OSCE/ODIHR and the Venice Commission's recommendations set out in the report on the presidential and local elections of 2009;

11. Reiterates that free and independent media are a necessary precondition for the development of a stable democracy; notes the existence of a wide variety and mix of public and private media outlets in the country; expresses concern, however, at the politicisation of the media and interference in their work; is worried about the economic dependence and the concentration of political power of the media, which often result in a lack of editorial independence and in poor standards of journalism; is concerned at a considerable deterioration in media freedom in the country, as shown by the significant drop (from 34th to 68th position) in the Reporters Without Borders' 2010 press ranking; notes the fact that the Ministry of Interior posted on its home page a call to citizens to denounce 'non-objective' press reports, calls on journalists to uphold high professional standards in their work, distance themselves from political influences and establish professional associations for journalists, while at the same time urging the authorities responsible to strengthen the independence and freedom of the media, applying equal standards to all of them and improving the transparency of their ownership;

12. Welcomes the numerous laws passed for judicial reform and calls for further intensive efforts in the reform of the judiciary, in order to ensure its professionalism, efficiency and independence from political pressures; to this end, underlines that the existing legal framework needs to be implemented swiftly and effectively; is concerned at the continuous role of the Ministry of Justice in the Judicial Council and at the criticism of the Constitutional Court by the government and parliamentarians, which create the risk of subjecting the judiciary to political interference; nevertheless, notes with satisfaction that, in spite of these disagreements, all court rulings have been implemented; welcomes the efforts to increase the efficiency and transparency of the court system, in particular the decreasing backlog of cases in most of the courts; equally, welcomes the entry into force of the law on legal aid;

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13. Welcomes the continued efforts in the fight against corruption, manifested amongst other things by implementation of the second round of GRECO recommendations and the entry into force of the amendments to the Criminal Code; encourages the authorities to continue implementing legislation to combat corruption and improving the independence, efficiency and resources of the judiciary; however, recalls that corruption remains prevalent and calls for further intensive efforts to eradicate it; stresses the urgency of effective and impartial enforcement of anti-corruption legislation, in particular on the financing of political parties and on conflicts of interest; draws attention to the importance of ensuring that the court system functions free of political interference; welcomes the efforts to increase the efficiency and transparency of the court system; stresses the need to build up an enforcement record for prosecutions and convictions against which progress can be measured; calls for the unification of jurisprudence in order to ensure a predictable judicial system and public trust;

14. Calls on the Commission to prepare, with its next Progress Report, an assessment of the impact and results achieved from the allocation of EU funds to reform of the judiciary and the fight against corruption; calls on the Commission to provide the Council and Parliament with a more detailed assessment of the efficiency of anti-corruption measures taken by the former Yugoslav Republic of Macedonia in the case of public procurement and fraud, and to present it together with the next Progress Report;

15. Recognises the efforts made in public administration reform but calls for further efforts in the field, which continues to be politicised and lacks capacities and professionalism; welcomes the government's adoption of a National Strategy for Public Administration Reform and the creation of the Stabilisation and Association Agreement's subcommittee on public administration reform; is concerned at the non-transparent and ad hoc process of converting temporary posts into permanent ones, entailing further politicisation of the administration; calls for the development of a clear human resources strategy, defining the needs of administration in terms of capacities and skills and its implementation through merit-based recruitment and career development; welcomes the increased recruitment of non-majority communities but underlines that it should be carried out on the basis of assessment of needs in the administration, in order to ensure that the skills of new employees match the job requirements;

16. Commends the continuing progress in the field of decentralisation; notes, however, that adequate budgets should accompany the transfer of responsibilities to lower authorities;

17. Welcomes the progress achieved as regards reform of the prison system; however, remains seriously concerned at the degrading conditions in some prisons, in particular overcrowding and an inadequate healthcare system; emphasises the need to respect the principle that persons in detention should be subject to appropriate treatment, in according with the UN principles;

18. Welcomes the adoption of the law on the 2011 population and household census, emphasises the need for adequate preparation and operational organisation in order to conduct an accurate census; calls on the government to allocate appropriate funds for its organisation and stresses the importance of de-politicising the issue in order to have an unbiased census with the widest possible participation;

19. Underlines the utmost significance of ensuring that the education system supports ethnic integration; to this end, welcomes the strategy of integrated education and calls for its swift implementation, amongst other things by phasing out segregation on ethnic lines and increasing the learning of all the official languages in the former Yugoslav Republic of Macedonia; calls on the government to improve the process for consulting the different communities and to cooperate with them closely in implementation of the strategy;

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20. Identifies a lack of progress in the joint celebration of historic events shared with neighbouring EU Member States with the aim of contributing to a better understanding of history and good neighbourly relations, as stressed by the previous report; urges the introduction of school textbooks free of ideological interpretations of history;

21. Is seriously concerned at the situation of the Roma community, which continues to face dire living conditions and discrimination in access to the labour market, healthcare and social services; underlines particularly the difficult situation of Roma girls and women, who continue to suffer from double discrimination, based on both ethnicity and gender; calls on the government for a stronger commitment to implementing the Roma strategy and the action plan for the Roma Decade; in this regard, welcomes the government's activities aiming at political integration of the Roma, including having a minister of Roma ethnicity in charge of issues pertaining to the Roma community; commends the government for convening a meeting on the subject of Roma integration while holding the Presidency of the Council of Europe;

22. Welcomes the adoption of the anti-discrimination law as a vital step to combat discriminatory practices, which are still widespread, and calls for its swift and effective implementation; however, regrets that, contrary to European legislation, sexual orientation has been omitted from the law as a ground for discrimination; calls for the swift alignment of national provisions in this field with the *acquis* and for strengthening of the monitoring mechanisms, and emphasises that this is a prerequisite for accession; is concerned at the course taken by the selection procedure for members of the Commission for protection against discrimination; regrets that no representative from civil society has been appointed to the Commission; calls for further efforts to be made concerning the rights of women, to increase their participation in the labour market and in political and business decision-making and to protect women and children from domestic violence;

23. Calls for more efforts in the field of gender equality and women's rights; encourages the authorities to fully implement the Law on Equal Opportunities between men and women and to ensure that the national action plan for gender equality becomes more consistent; welcomes the adoption of the strategy in the fight against domestic violence; calls for the implementation of a victim support system; urges the government and the non-governmental sector to promote greater awareness of these issues;

24. Condemns recent cases of intimidation and direct attacks on civil society organisations and personal defamation of their leading activists; welcomes the mechanisms for consulting civil society organisations introduced by the government but is concerned that there is no systematic and transparent mechanism for consulting civil society on national development policies, legislation, programmes or other strategic documents; stresses the need to involve civil society organisations in the policy-making process in an unselective manner in order to stimulate effective public debate and include stakeholders in the accession process of the country; stresses the crucial role of civil society in contributing to enhanced regional cooperation on social and political aspects; commends the adoption of the new Law on Citizen's Associations and urges the authorities to implement the provisions on 'public benefit' organisations by securing funding schemes as soon as possible;

25. Notes with satisfaction that IPA assistance works well in the former Yugoslav Republic of Macedonia; encourages both its government and the Commission to simplify the administration procedure for IPA funding, with the aim of making it more accessible to smaller and non-centralised civil organisations, trade unions and other beneficiaries;

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26. Emphasises that the former Yugoslav Republic of Macedonia has ratified the eight core labour rights conventions of the ILO; is concerned that only modest progress has been made in the field of labour rights and trade unions; calls on the authorities to further strengthen labour and trade union rights, in this regard also encourages the government to secure sufficient administrative capacity for the proper implementation and enforcement of the labour law; points to the important role of the social dialogue and encourages the government to step up its ambitions in and establish an all-inclusive social dialogue with relevant partners;

27. Underlines the importance of preserving and maintaining the cultural heritage, which is a pillar of European values and principles; notes with regret that numerous cemeteries, fresco inscriptions and artefacts, which belong to the Bulgarian cultural heritage, have been totally abandoned and ruined;

28. Welcomes the progress of the country towards a functioning market economy and a broad consensus on fundamental aspects of the country's economic policy; commends the government for maintaining macroeconomic stability, despite the negative impact of the global financial crisis, and notes the good prospects for economic growth in upcoming years;

Socio-economic developments

29. Is concerned at the persistent and very high unemployment, in particular among young people, which is common to many of the countries in the region; calls on the government to swiftly implement more efficient measures for improving public investment, focused on employment policies and employment of the labour force in high-quality, stable and decent jobs; calls on the Commission to assist the authorities with increased assistance from the IPA;

30. Notes the improvement in the business climate as a consequence of the economic reforms undertaken over the past years and stresses the need for continuous structural reform in the country; notes at the same time that foreign investment has further decreased from an already low level, and that the situation was worsened by the global financial crisis; calls on the state agencies responsible for attracting foreign direct investment to strengthen their efforts to attract potential foreign investors;

31. Congratulates the government on the effective and smooth implementation of the Stabilisation and Association Agreement with the EU; to this end, welcomes the recent government decision to abolish the customs tariffs on over a hundred different products as a step towards full trade liberalisation with the EU; hopes that these changes will increase the competitiveness of domestic producers, thereby stimulating greater economic growth; considers this development to be an important milestone demonstrating the country's efforts to withstand the increased competition that it will face once it becomes EU member;

32. Emphasises the need to apply the principles of good governance in budgetary spending by improving free access to public information, consulting stakeholders in the budgetary procedure and establishing a reporting mechanism, thereby assuming accountability for the money spent; recalls that non-transparent budget spending leads to social exclusion and conflict, and questions the legitimacy of some national campaigns;

33. Welcomes the recent adoption of the Energy Act with the purpose of liberalising the country's electricity market, which is in line with the relevant European directives;

34. Stresses the importance of developing an efficient and reliable public transport system both inside the country and at regional level (including the Sofia-Skopje-Tirana railway link); to this end, reiterates its appeal to the authorities to invest in the maintenance and upgrading of the railway network as a viable

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alternative to the road system; regrets the government's decision to decrease investment in the annual railway infrastructure programme and calls on the Commission to provide the necessary technical and financial assistance within the framework of the IPA;

35. Calls on the authorities of the former Yugoslav Republic of Macedonia and Bulgaria to re-open the cross-border line for pedestrians and cyclists between Staro Konjarevo and Gabrene, in order to improve the section of the Iron Curtain trail between Strumica and Petric;

36. Welcomes the adoption of the national strategy for sustainable development, but calls for more effort to implement legislation in the field of the environment and to provide adequate funds to this end; in particular, draws attention to the challenges in the areas of water quality, waste management and nature protection; calls for closer cooperation on transboundary environmental issues, based on the EU standards; in this regard, reiterates its call for effective monitoring of the quality and level of the water in the border lakes Ohrid, Prespa and Dojran, as well as in the river Vardar; welcomes the initiative of the trilateral Prespa Lake Euro-region involving the former Yugoslav Republic of Macedonia, Greece and Albania; calls on the government to extend the successful experience of the Ohrid waste water collector system to the other lakes in the region; furthermore, welcomes the progress achieved in the construction of a waste-water treatment plant in Gevgelia;

37. Expresses deep concern over the soil pollution in the town of Veles, which the World Health Organisation has declared a dangerous place to live; calls on the government to address this issue and take adequate measures to protect public health in this area; invites the Commission to consider whether IPA funds could be used in this particular case;

Regional issues

38. Commends the country on its continuous stabilising role in the region; whilst highlighting its participation in EU civilian and military missions, nevertheless reminds the government of its obligation to adhere to the CFSP Common Positions, especially those referring to restrictive measures, notably as regards the particular case of Zimbabwe;

39. Welcomes the recent decision taken by the authorities of Serbia and of the former Yugoslav Republic of Macedonia to abolish the need for international passports for citizens travelling between the two states, with the purpose of establishing joint control of their shared border;

40. Strongly regrets the fact that the name dispute with Greece continues to block the country's road to EU accession, and recalls its recommendation to the Council to start the accession negotiations immediately; underlines the importance of good neighbourly relations and of understanding the sensitivities of neighbouring countries in this process; calls on the governments concerned to avoid gestures, controversial actions and statements which could have negative effects and could strain good neighbourly relations; notes the intensified dialogue between the two Prime Ministers and encourages them to show political wisdom and a willingness to compromise and to swiftly find a solution satisfactory to both sides;

41. Recalls that, in accordance with the General Affairs Council conclusions of 14 December 2010, maintaining good neighbourly relations, including a negotiated and mutually accepted solution to the name issue, under the auspices of the UN, is essential;

42. Calls upon the Commission and the Council to start developing a generally applicable arbitration mechanism aimed at solving bilateral issues between enlargement countries, between Member States and enlargement countries and between Member States;

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43. Notes with concern the use of historical arguments in the current debate, including the phenomenon of so-called 'antiquisation', which threatens to increase tensions with neighbour countries and create new internal divisions;

44. Invites the High Representative and the Commissioner responsible for Enlargement and European Neighbourhood Policy to facilitate an agreement on the name issue and offer political guidance, with full respect for the ongoing process of negotiations and the provisions of the UN Charter; considers that finding a mutually acceptable solution as quickly as possible is a test case for the post-Lisbon common foreign policy, and for the Union's ability to solve long-standing international controversies on its borders;

45. Calls on the Council and the Commission to honour their commitments towards third countries and reward the progress and reform efforts of the countries that meet the requirements of the Union; notes that, otherwise, these countries' readiness to reform may decrease;

46. Takes the view that a further prolongation of the status quo regarding the name issue and other open questions with the neighbouring countries could undermine not only the stability of the country and region but also the credibility of the enlargement policy, and therefore calls upon all the parties concerned to show goodwill, solidarity and responsibility in resolving the outstanding issues; in this regard calls on the authorities in the country to advance the initiative of establishing joint expert committees on history and education with Bulgaria and Greece;

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47. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the government and parliament of the former Yugoslav Republic of Macedonia.

Côte d'Ivoire

P7_TA(2011)0152

European Parliament resolution of 7 April 2011 on the situation in Côte d'Ivoire

(2012/C 296 E/15)

The European Parliament,

- having regard to its previous resolutions on Côte d'Ivoire, in particular that of 16 December 2010 ⁽¹⁾,
- having regard to the Bamako Declaration of 3 November 2000 on Democracy, Human Rights and Freedoms in the Francophone World,
- having regard to the relevant United Nations Security Council (UNSC) resolutions on Côte d'Ivoire, in particular Resolutions 1946 and 1951(2010) and 1967, 1968 and 1975(2011),
- having regard to the statements made by the VP/HR, Baroness Catherine Ashton, on the situation in Côte d'Ivoire, in particular those of 3, 10, 12 and 19 March and 1 April 2011,
- having regard to the conclusions on Côte d'Ivoire adopted by the Foreign Affairs Council at its 3065th meeting, on 31 January 2011,

⁽¹⁾ Texts adopted, P7_TA(2010)0492.

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- having regard to EU Council Decision 2011/18/CFSP and to Council Regulation (EU) No 25/2011 of 14 January 2011 imposing an asset freeze and designating additional persons and entities subject to restrictive measures in Côte d'Ivoire,
 - having regard to the decision adopted at Addis Ababa on 10 March 2011 by the Peace and Security Council of the African Union (AU),
 - having regard to the UN Security Council statements on Côte d'Ivoire of 3 and 11 March 2011,
 - having regard to the Joint Statement issued by the Co-Presidents of the ACP-EU Joint Parliamentary Assembly on 18 March 2011 condemning the violence and human rights violations in Côte d'Ivoire,
 - having regard to the statement made by its President, Jerzy Buzek, on 18 March 2011 calling for an end to all violence against civilians in Côte d'Ivoire,
 - having regard to the resolution on the situation in Côte d'Ivoire adopted on 25 March 2011 in Abuja by the Authority of Heads of State and Government of ECOWAS,
 - having regard to the United Nations Human Rights Council Resolution of 25 March 2011 establishing an international commission of inquiry to investigate human rights violations in Côte d'Ivoire since the presidential election,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas, over the past four months, Côte d'Ivoire has been plunged into a deep political crisis stemming from the refusal by incumbent President Laurent Gbagbo to relinquish power to the legitimate President Alassane Ouattara, despite the fact that the latter won the November 2010 presidential poll and has been recognised as the victor by the international community, following validation of the results by the United Nations,
- B. whereas all diplomatic efforts to devise a peaceful solution to the post-election political deadlock, including those of the AU, ECOWAS and the President of South Africa, have been unsuccessful,
- C. whereas since mid-February fighting has intensified both in the capital and in the west of the country, with alarming reports indicating the increasing use of heavy artillery against civilians,
- D. whereas in recent days the Republican Forces of President Ouattara have launched a vast offensive aimed at establishing his authority, and have taken control of several important areas, including the political capital, Yamoussoukro, and San Pedro, a key port for cocoa exports; whereas the pro-Ouattara forces have now entered Abidjan, which has led to intense fighting with the forces loyal to the ex-President,
- E. whereas according to UN sources hundreds of lives have been lost in Côte d'Ivoire since December 2010; whereas the actual number of casualties is likely to be much higher, as the violence taking place in the interior of the country is not always reported in the press,
- F. whereas attacks intentionally directed against UN peacekeepers and institutions constitute war crimes; whereas the UN Mission in Côte d'Ivoire (ONUCI) has constantly been the target of threats and attacks by pro-Gbagbo security forces, while the ex-President has employed inflammatory rhetoric inciting people to violence against the UN forces and foreigners present in Côte d'Ivoire; whereas several UN peacekeepers have been seriously injured or even killed,

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- G. whereas atrocities have been committed in Côte d'Ivoire, including cases of sexual violence, enforced disappearances, extrajudicial executions and the excessive and indiscriminate use of force against civilians, which amount to crimes against humanity,
- H. whereas in the declaration submitted by its government on 18 April 2003 pursuant to Article 12(3) of the Rome Statute, Côte d'Ivoire accepted the jurisdiction of the International Criminal Court (ICC) for crimes committed on its territory after 19 September 2002; whereas Côte d'Ivoire remains under preliminary investigation by the Office of the Prosecutor of the ICC,
- I. whereas respect for the rule of law has continued to deteriorate in Côte d'Ivoire, with increasing restrictions being placed on freedom of speech, expression and the media,
- J. whereas the economic situation in Côte d'Ivoire has seriously deteriorated in the last four months as Laurent Gbagbo has carried out illegal nationalisations in the banking and cocoa sectors and arbitrary expropriations of money and private property; whereas the IMF recently warned of the serious negative economic consequences of the current situation in Côte d'Ivoire for the whole West African region,
- K. whereas owing to the climate of terror prevailing in the country an estimated 1 million people have been displaced, both internally and to neighbouring countries such as Liberia, Ghana, Togo, Mali and Guinea,
- L. whereas on 17 March 2011 the Commission increased the EU's humanitarian assistance to Côte d'Ivoire fivefold,
- M. whereas UNSC Resolution 1975(2011), which was adopted unanimously, urges Mr Gbagbo to step aside immediately and calls for an immediate end to violence against civilians, while imposing targeted financial and travel-related sanctions against Mr Gbagbo, his wife and three associates,
1. Condemns the attempts by ex-President Gbagbo and his supporters violently to usurp the will of the Ivorian people; reiterates its call on Mr Gbagbo to step down and immediately hand over power to Alassane Ouattara; welcomes, in that connection, the adoption of Resolution 1975(2011), in which the UN Security Council made its strongest statement since the beginning of the post-electoral crisis in Côte d'Ivoire, calling on Mr Gbagbo to step aside immediately;
 2. Deplores the fact that no diplomatic solution, including those advocated by the AU, has been found and that violence and armed confrontation have been a feature of the post-electoral crisis;
 3. Commends the call by West African women for a peaceful resolution of the political conflict in Côte d'Ivoire and for the perpetrators of violence against ordinary people in the country to be brought to justice; deplores the fact that insufficient efforts have been made by women's organisations and religious and community leaders to build up internal pressure and promote mediation in search of a peaceful resolution to the political deadlock in the country;
 4. Recalls that the sole source of democratic legitimacy is universal suffrage and that the election of Alassane Ouattara reflects the sovereign will of the Ivorian people; urges all Ivorian institutions, including the Defence and Security Forces of Côte d'Ivoire (FDSCI), to yield without delay to the authority of the democratically elected President Ouattara and his government;

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5. Condemns in the strongest possible terms the escalation of violence in Côte d'Ivoire, in particular the use of heavy weapons against civilians, and the ensuing considerable loss of life; expresses its deepest solidarity with all innocent victims of injustice and violence in Côte d'Ivoire and with their families; stresses that violence against civilians, including women, children and internationally displaced persons, will not be tolerated and must cease immediately;
6. Strongly condemns the violations of human rights and international humanitarian law reportedly perpetrated against civilians, including extrajudicial killings and acts of sexual violence; notes that according to the UNSC these acts may amount to crimes against humanity; expresses its firm opposition to any use of the media to incite hatred; calls for the lifting of all restrictions placed on the exercise of the right to freedom of expression; condemns the abduction of four people, including two EU citizens, from a hotel in Abidjan located in a neighbourhood controlled by pro-Gbagbo forces, and calls for their immediate release;
7. Insists that there can be no impunity and that no efforts should be spared in order to identify and bring to justice, including at international level, all those responsible for crimes against the civilian population; welcomes, in that connection, the establishment of a commission of inquiry by the UN Human Rights Council; notes that the UNSC has indicated that the ICC will decide whether it has jurisdiction over the situation in Côte d'Ivoire; calls on all actors in Côte d'Ivoire to cooperate with these bodies so that justice can be done; calls on the EU to provide all necessary support to these inquiries;
8. Firmly condemns the acts of intimidation and obstruction directed against ONUCI and the EU;
9. Welcomes the additional targeted sanctions, comprising a visa ban and an asset freeze, imposed by the UNSC, the AU and the Council of the European Union on all persons and entities that oppose the legitimate President's authority, and the decisions taken by the World Bank and the International Monetary Fund, which have refused to deal with the illegitimate government; stresses that these sanctions are to remain in place until the return of legitimate authorities to power;
10. Welcomes the fact that UNSC Resolution 1975(2011) recalled the authorisation given to ONUCI to use all necessary means to carry out its mandate to protect civilians, including in order to prevent further use of heavy weapons, and expressed the UNSC's full support for such action; calls, in that connection, for a swift and significant strengthening of ONUCI capacities in order to ensure effective protection of civilians in Côte d'Ivoire;
11. Notes that, in accordance with its mandate, ONUCI has already taken action in Abidjan in order to stop the use of heavy weapons and protect civilians and UN personnel, with the assistance of the French Force 'Licorne', at the request of the UN Secretary-General;
12. Commends and supports the mediation efforts conducted under the auspices of the AU and ECOWAS with a view to preventing confrontation, and reiterates its calls to all political forces in Côte d'Ivoire to demonstrate their commitment to a peaceful democratic political transition and thus avoid further bloodshed; expresses its support for the AU plan for an overall peaceful solution to the crisis, and stresses that all African countries must show unity and act in a concerted way, so that peace can be restored in Côte d'Ivoire;
13. Calls on President Ouattara to facilitate peace and national reconciliation, whilst recalling that there is no statute of limitations for war crimes and crimes against humanity;
14. Is deeply concerned at the worsening humanitarian situation in Côte d'Ivoire and neighbouring countries, especially Liberia; calls on all actors in Côte d'Ivoire to ensure safe and unhindered access to all parts of the country for humanitarian organisations on the ground; welcomes the commitment given by the EU, as expressed by Commissioner Georgieva, to help resolve the humanitarian crisis;

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15. Emphasises the need for swift international political action to address the humanitarian situation in Côte d'Ivoire and prevent a new migration crisis in the region, calls on the Commission and the Member States to coordinate their efforts with other international donors; calls on the international community to honour the pledges of humanitarian aid in order to respond to the urgent needs of the population of Côte d'Ivoire and its neighbouring countries;

16. Instructs its President to forward this resolution to the Council and Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the UN Security Council and the UN Secretary-General, the ONUCI, the institutions of the African Union, ECOWAS, the ACP-EU Joint Parliamentary Assembly, the governments of the Member States and the President-elect of Côte d'Ivoire, Mr Alassane Ouattara.

Review of the European Neighbourhood Policy – Eastern Dimension

P7_TA(2011)0153

European Parliament resolution of 7 April 2011 on the review of the European Neighbourhood Policy - Eastern Dimension

(2012/C 296 E/16)

The European Parliament,

- having regard to the conclusions of the Eastern Partnership Foreign Ministers meeting of 13 December 2010,
- having regard to its previous resolutions of 19 January 2006 on the European Neighbourhood Policy (ENP) ⁽¹⁾, 15 November 2007 on strengthening the ENP ⁽²⁾, 6 July 2006 on the European Neighbourhood and Partnership Instrument (ENPI) ⁽³⁾, 5 June 2008 on the annual report from the Council to the European Parliament on the main aspects and basic choices of the CFSP ⁽⁴⁾, 19 February 2009 on the review of the ENPI ⁽⁵⁾, 17 January 2008 on a Black Sea Regional Policy Approach ⁽⁶⁾ and 20 January 2011 on an EU Strategy for the Black Sea ⁽⁷⁾,
- having regard to its resolution of 20 May 2010 on the Need for an EU Strategy for the South Caucasus ⁽⁸⁾,
- having regard to the development of the ENP since 2004, and in particular to the Commission's progress reports on its implementation,
- having regard to its previous resolutions on Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine, as well as to the recommendations of the parliamentary cooperation committees for those countries, with the exception of Belarus,
- having regard to paragraph 41 of the above resolution of 15 November 2007, which calls for the setting-up of an EU-Neighbourhood East Parliamentary Assembly (EURONEST),
- having regard to the Action Plans adopted jointly with Armenia, Azerbaijan, Georgia and Moldova, and to the Association Agenda with Ukraine,

⁽¹⁾ OJ C 287 E, 24.11.2006, p. 312.

⁽²⁾ OJ C 282 E, 6.11.2008, p. 443.

⁽³⁾ OJ C 303 E, 13.12.2006, p. 760.

⁽⁴⁾ OJ C 285 E, 26.11.2009, p. 11.

⁽⁵⁾ OJ C 76 E, 25.3.2010, p. 83.

⁽⁶⁾ OJ C 41 E, 19.2.2009, p. 64.

⁽⁷⁾ Texts adopted, P7_TA(2011)0025.

⁽⁸⁾ Texts adopted, P7_TA(2010)0193.

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- having regard to the Foreign Affairs Council conclusions of 26 July 2010 on the ENP,
 - having regard to the Joint Declaration of the Prague Eastern Partnership Summit of 7 May 2009,
 - having regard to the Commission communication of 12 May 2010 entitled 'Taking Stock of the European Neighbourhood Policy (COM(2010)0207),
 - having regard to the Commission communication of 3 December 2008 on Eastern Partnership (COM(2008)0823),
 - having regard to the Commission communications of 5 December 2007 entitled 'A Strong European Neighbourhood Policy'(COM(2007)0774), 4 December 2006 on strengthening the ENP (COM(2006)0726), 12 May 2004 entitled 'European Neighbourhood Policy - Strategy Paper'(COM(2004)0373) and 11 March 2003 entitled 'Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours'(COM(2003)0104),
 - having regard to Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument ⁽¹⁾,
 - having regard to the European Court of Auditors Special Report No 13/2010, entitled 'Is the new European Neighbourhood Policy Instrument successfully launched and achieving results in the South Caucasus (Armenia, Azerbaijan and Georgia)?',
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the Lisbon Treaty has created the conditions required for the EU to improve the effectiveness and coherence of its relations with all actors and partners, particularly its neighbours,
- B. whereas under Article 8 of the Treaty on European Union the Union must develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation,
- C. whereas, since it was launched, the ENP has led to a strengthening of relations with partner countries and brought some tangible benefits; whereas challenges still remain and the focus should now be on implementation, with clearly defined priorities for action, clear benchmarking and performance-based differentiation,
- D. whereas the Eastern Partnership (EaP) is a meaningful political framework for deepening relations with and among partner countries, based on principles of shared ownership and responsibility, as well as conditionality; whereas strengthened relations require an enhanced joint commitment and tangible progress towards good governance and democratic standards,
- E. whereas the EaP focuses on four thematic cooperation platforms, namely: democracy, good governance and stability; economic integration and convergence with EU policies; environment, climate change and energy security; and contacts between people,
- F. whereas cooperation within the framework of the EURONEST Parliamentary Assembly seeks to bring positive effects by serving as a platform for exchanging views, finding common positions on global challenges of our times with respect to democracy, politics, economics, energy security and social affairs, and strengthening ties between the countries of the region and the EU and among the EaP countries themselves,

⁽¹⁾ OJ L 310, 9.11.2006, p. 1.

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- G. whereas the EU should promote and significantly strengthen a bottom-up approach, increasing its economic support to civil societies and promoting freedom of the press and freedom of assembly in order to sustain the democratisation processes, which are a precondition for long-term stabilisation,
- H. whereas unresolved regional conflicts in the EU's neighbourhood undermine the sustainable economic, social and political development of the countries concerned and present a serious obstacle to regional cooperation, stability and security; whereas they are also a serious impediment to the development of the ENP's full potential and priorities; whereas these conflicts are undermining the development of a genuine and effective multilateral dimension to the ENP; whereas the role that civil society could play in the countries concerned continues to be underestimated,
- I. whereas the recent demonstrations by people in Belarus, Tunisia and Egypt against repressive regimes clearly expressed their legitimate aspirations to democracy,
- J. whereas the EU's and Member States' policy of supporting and cooperating with undemocratic regimes in Tunisia and Egypt failed and should prove a lesson learned for EU relations with Belarus, and whereas the EU's overall ENP policy should be value-based,
- K. whereas the ENPI has helped to simplify the financing of the ENP; whereas the process of designing its successor instrument should reflect the conclusions of the ENP strategic review and should involve wide-ranging consultations,

ENP review – General

1. Welcomes the progress in relations between the EU and neighbouring countries within the ENP and reaffirms the values, principles and commitments upon which the ENP has been built, which include democracy, the rule of law, respect for human rights and fundamental freedoms, a market economy, sustainable development and good governance; considers that the ENP is still a framework of strategic importance for deepening and strengthening relations with our closest partners so as to support their political, social and economic reforms, and underlines the importance of maintaining the principle of joint ownership in the design and implementation of programmes and actions;
2. Welcomes the ongoing review of the ENP and stresses that this process should lead to a further enhancement of the EU's ties with neighbouring countries and that, while the aspirations and goals of those countries may differ, all of them have the potential to be the closest of political allies for the EU;
3. Notes that the two dimensions (southern and eastern) of the ENP should be perceived as integral parts of the same priority policy; stresses the need for flexibility and to differentiate our approach more vis-à-vis individual partners and spend better;
4. Emphasises that the strategic review of the ENP should reflect an increased political commitment from all partners and should strengthen performance-based differentiation based on clearly defined benchmarks;
5. Considers it particularly worthwhile to continuously evaluate and assess not only the results that have been achieved to date through the programmes implemented but also the adequacy of the resources used within the framework of the partnership; is of the opinion that this procedure will provide an opportunity to correct any deficiencies and unfortunate choices in the future;

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6. Stresses the need to acknowledge the changes brought by the Lisbon Treaty, in particular the reinforced role of the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), the creation of the European External Action Service (EEAS), the appointment of a Commissioner for Enlargement and Neighbourhood Policy and new powers for the European Parliament, in order to give greater coherence to EU foreign policy and to increase the efficiency and legitimacy of its external dimension and action; expects the Member States not to undertake bilateral initiatives with ENP countries that could undermine the effectiveness of the EU action;

7. Calls on the EEAS and the EU delegations around the world to contribute greatly to ensuring that human rights and political principles are more strongly integrated into the analysis of the political situation in third countries and fed into possible 'transformation' policies via aid projects;

ENP-East

8. Welcomes the launch of the EaP as a political framework for the advancement of the eastern dimension of the ENP, which seeks to deepen and strengthen the relations between the EU and its eastern neighbours, furthering political association, economic integration and legislative approximation while supporting political and socio-economic reforms in the partner countries; calls on the Council, the Commission and the EEAS to devise clear benchmarks for monitoring such reforms, noting that the benchmarks should take into consideration the specificities of each partner, including its specific goals and potential; calls on the Council, the Commission and the EEAS to involve Parliament in devising these benchmarks; stresses that economic reforms must go hand-in-hand with political reforms and that good governance can only be achieved through an open and transparent decision-making process based on democratic institutions;

9. Underlines the importance of further promoting stability and multilateral confidence building in the framework of the EaP, as agreed in the Joint Declaration of the Prague Eastern Partnership Summit;

10. Stresses that a European perspective including Article 49 of the Treaty on European Union could constitute a driving force for reforms in these countries and further strengthen their commitment to shared values and principles such as democracy, the rule of law, respect for human rights and good governance;

11. Recalls that the shared fundamental values – including democracy, the rule of law and respect for human rights and fundamental freedoms, independence of the judiciary, combating corruption, upholding media freedoms and promoting NGOs – which are the basis upon which the ENP and the EaP have been established should remain the main yardstick against which to evaluate the performance of our partner countries; calls, to this end, on all ENP partners to take concrete steps in this direction; encourages, therefore, the Commission and the EEAS to take a more ambitious approach to implementing the annual action programmes in this field;

12. Notes that, since the ENP's launch in 2004, mixed results have been recorded, with positive developments concerning human rights and democratisation in some partner countries and some negative developments in others, particularly in Belarus;

13. Notes that Belarus remains the only eastern partner country with limited participation in the ENP and EaP bilateral track and that its further engagement in these programmes will depend on its readiness to adhere to commonly shared values and basic principles; considers that the recent developments in Belarus were an affront to the EU's vision of respect for human rights, democracy and the rule of law; welcomes the Foreign Affairs Council conclusions on Belarus of 31 January 2011; calls on the EU to take all necessary steps to fully implement these conclusions, including by attempting to engage ordinary Belarusians in the idea of reform by cutting the red tape and cost involved in obtaining Schengen visas and by facilitating

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people-to-people contacts; calls in this respect on Member States to make use of all of the flexibility available within the EU visa code when issuing Schengen visas; urges the Commission and other donors to support the development of democratically oriented political parties in Belarus and the creation of larger NGOs and civil-society organisations, as well as to support community and civic initiatives in the Belarusian regions;

14. Stresses that in a number of countries the legal framework for and conduct of elections have not been consistent with international standards; insists on the importance of free and fair elections in line with international standards and commitments;

15. Stresses that combating corruption, in particular in the judiciary and the police, should be a top priority for the EU in the development of its relations with the eastern partners and that this should be reflected in the comprehensive institution-building framework; stresses, as well, the importance of stepping up the fight against international organised crime networks and calls for increased police and judicial cooperation with EU agencies;

16. Underlines the importance of complementing the EU's bilateral relations with EaP countries with a multilateral dimension by increasing the number of activities and initiatives included in the thematic platforms, paying particular attention to strengthening cross-border projects, stepping up people-to-people programmes, developing incentives for regional cooperation and further enhancing the active dialogue with civil society in order to promote the necessary establishment of open non-governmental institutions and strengthen social cohesion; notes, however, that the bilateral dimension remains prominent, and calls for a clearer and more rigorous differentiation and conditionality, where ambition and commitments are followed by implementation and real progress is followed by concrete steps towards a European perspective; firmly believes that the intensification of ties with the best-performing partners will have a positive effect on the others and could enhance multilateral cooperation;

17. Urges the European Council and the Commission to ensure that the visa liberalisation offer made to Eastern Partnership countries is, in terms of its timetable and content, at least as generous as those proposed to other countries with which they share a border, so as to avoid creating incentives to grant foreign passports to citizens of Eastern Partnership countries, which – as in the case of Georgia, Ukraine and Moldova – may have the effect of destabilising those countries, and may thus be contrary to the security and interests of the EU itself;

18. Stresses the importance of further fostering regional cooperation in the Black Sea space and enhancing EU policies towards the Black Sea region, in particular by launching a fully-fledged EU Strategy for the Black Sea and ensuring that there are the necessary financial and human resources for its effective implementation; highlights the complementarity between EU Black Sea policies and the EaP, and calls on the Commission and the EEAS to make positive use of the differing approaches of the two initiatives and to clarify, at all levels, how this substantial degree of complementarity is to be put to good use;

19. Encourages the countries in the region to cooperate more closely with each other and to engage in an enhanced and prolonged dialogue, at all relevant levels, regarding areas such as freedom, security and justice, and in particular border management, migration and asylum, the fight against organised crime, trafficking in human beings, illegal immigration, terrorism, money laundering and drugs trafficking, as well as police and judicial cooperation; recalls that good-neighbourly relations are one of the most important preconditions for progress by ENP countries towards EU membership;

20. Stresses that there are still serious problems in numerous countries as regards freedom of expression, especially in the media, and freedom of association and assembly, and that the space available to civil society actors and human rights defenders remains unreasonably restricted;

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21. Welcomes the active role of civil society organisations in promoting the values on which the ENP is founded, notably human rights, freedom of the media and democratisation; stresses that this role, together with involvement in implementation and monitoring of projects under ENPI and ENP Action Plans, needs to be further supported through the allocation of financial and institutional support to them; welcomes the active involvement of civil society organisations, particularly those from partner countries, in the Civil Society Forum; encourages the Civil Society Forum to become involved in official platform meetings and thematic working groups of the EaP;
22. Considers it necessary to make a thorough assessment of the credibility of all civil society organisations which are involved in this process, in order to ensure the legitimacy and efficiency of our actions;
23. Underlines the importance of local authorities in the democratic development of our partner countries and urges the Commission actively to support them with a view to strengthening local democracy and local governance; encourages the expansion of twinning programmes between local authorities in EU and partner countries and the establishment of the Eastern Europe and South Caucasus Local and Regional Assembly;
24. Emphasises the importance of trade unions and social dialogue as part of the democratic development of the eastern partners; stresses that trade union rights are limited and calls on the eastern partners to further enhance labour and trade union rights; recommends stepping up social dialogue and the consultation of social partners;
25. Emphasises the importance of freedom of expression and of free and independent media, including on the internet, for the development of democracies and as a means of promoting exchanges and communication between societies in the region and between those societies and the EU; encourages the EU to continue funding Belsat, Radyo Racyja and the European Radio for Belarus, as well as to support the creation and consolidation of other media outlets, including through financial contributions, *inter alia* as a way of promoting direct channels of communication between societies; stresses the need to withdraw assistance from state-controlled and -owned media, such as those in Belarus;
26. Recalls its view that the Association Agreements are an important tool for stimulating reform and should include concrete conditions, timetables and performance benchmarks and be accompanied by a regular monitoring process in order to efficiently deepen the bilateral relationship with the EU in a holistic way and to enhance coherence between all of the components of such agreements, i.e. the political, economic, social and cultural components and the human rights obligations; stresses that the Comprehensive Institution-Building Programmes should be launched as swiftly as possible; emphasises that, bearing in mind the ambitious nature of the Association Agreements and their crucial importance for the future of the EaP, the EU should support these countries through the provision of technical and financial assistance, so as to empower them to fulfil the implementation commitments; reminds the Commission of its responsibility to keep Parliament and the relevant rapporteurs duly informed of the negotiating mandates for the Association Agreements and of the negotiations themselves;
27. Welcomes the work of the High-Level EU Advisory Group in Armenia and the launch of a similar group in Moldova; invites the VP/HR and the Commission to discuss the possibility of offering such assistance to other eastern partners;
28. Considers that closer economic integration can be a powerful agent for social and political change; emphasises that the Deep and Comprehensive Free Trade Areas (DCFTAs) with the EU must only be established once the necessary conditions are fulfilled; stresses that these remain one of the key EaP incentives for the partner countries and a strong incentive for reform, provided that their social and environmental impact is fully assessed in due course; recognises that, in turn, the concept of the DCFTA should be adapted to the changing circumstances of the individual eastern partner countries;
29. Underlines the importance of increased bilateral and multilateral economic cooperation among ENP partners, as this would result in tangible benefits for citizens, would improve the political climate in the region and would contribute to the economic development of the partner countries; encourages, therefore, the establishment of free trade areas between the partner countries;

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30. Notes the growing economic presence of China in the Eastern Partnership countries;
31. Stresses the importance of supporting the mobility of citizens, maintaining people-to-people contacts and managing migration flows, particularly through visa facilitation and readmission agreements, with a view to gradually moving towards full visa liberalisation, provided that all relevant conditions are fully met; invites the EU to actively and speedily pursue negotiations to this end, while at the same time ensuring better implementation of the visa facilitation agreements; recommends that bilateral agreements should include provisions on the updating of national migration laws in ENP countries; insists that the implementation of such agreements and policies, in particular the provision of asylum, must be fully in line with international obligations and commitments and with EU standards, especially in the human rights field;
32. Stresses, furthermore, the fact that visa liberalisation can be used as a strong incentive to promote democratisation and human rights reforms in the partner countries, as well as a means of acknowledging concrete steps taken towards political association and economic integration with the EU within the ENP framework;
33. Proposes that the Commission should publish an annual evaluation report concerning the European readmission agreements;
34. Believes enhanced cooperation to be necessary between the ENP countries and FRONTEX;
35. Urges the Commission to pay particular attention to the mobility of students, academics, researchers and businessmen by ensuring that sufficient resources are available and by strengthening and broadening existing scholarship programmes; stresses, in this connection, the importance of developing within the EaP new projects focusing on more structured cooperation in the field of higher education and research that promotes university exchanges and public-private partnerships in the field of research; welcomes the establishment of mobility partnerships with Moldova and Georgia and encourages the conclusion of such partnerships with other eastern partners as part of the EU's Global Approach to Migration; considers, in this connection, that the flexibilities existing within the Schengen Visa Code should be better used and applied in order to facilitate the mobility of these groups;
36. Reaffirms its strong support for the EU-funded project involving the provision of scholarships to the College of Europe for university graduates from the ENP and the EU; believes that this will make it possible to train future discussion partners in EU and neighbouring countries – i.e. personnel for EU-ENP-related jobs – who are fully and professionally acquainted with the substance and spirit of EU policies, laws and institutions;
37. Emphasises the importance of sectoral cooperation, given the growing level of interdependence, particularly in areas such as energy security, environment and climate change, education, information technology, research, transport, social development and inclusion, employment and job creation and health cooperation; stresses that enhanced sectoral cooperation could foster synergies between EU and ENP internal policies; considers, in this context, that more partner countries should be encouraged to conclude protocols with the EU on participation in Community programmes and agencies; welcomes, in this connection, the accession of the Republic of Moldova and Ukraine to the Energy Community;
38. Considers it necessary to step up energy cooperation, energy efficiency and the promotion of renewable energy, which will constitute key objectives of the cooperation arrangements with the ENP partners; emphasises the strategic significance of the Nabucco project and of its swift implementation, as well as of liquefied natural gas (LNG) transportation under the AGRI project;

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39. Underlines the need to provide an adequate level of EU funding for cooperation with the neighbourhood and reiterates the value of the ENPI as the ENP financing instrument, which needs to evolve in such a way as to respond more flexibly to the different needs of the neighbouring countries and regions, ensure that there is a direct linkage between the ENP policy objectives and ENPI programming and reflect the performance-based character of the future ENP; emphasises, however, the need to ensure greater flexibility and crisis-responsiveness, as well as better-targeted assistance, aimed in particular at civil society and local levels, ensuring a bottom-up approach and making sure that the financial assistance is not subject to unjustified state interference; underscores the value of monitoring the management and implementation of the various programmes under the ENPI and emphasises that a fundamental criterion for the funding of projects must be their added value for local economic development, taking into account the actual cost of, and the real contribution made by, each project; calls on the Commission and the EEAS to conduct early consultations with Parliament and the civil society stakeholders during the upcoming drafting of the successor instrument;

40. Calls for more funding to be provided under, and better use to be made of, the Instrument for Democracy and Human Rights in order to strengthen civil society's capacity to promote human rights and democratic reform, as well as under the Non-State Actors Instrument supporting small-scale local development activities to be implemented by civil society organisations, in particular in Belarus;

41. Stresses the importance of maintaining appropriate levels of financing, and is encouraged by the improved coordination of the work carried out by international financial institutions and other donors with a view to improving efficiency and generating synergies; stresses that the EU should also contribute to better use of existing resources by partner countries through a stronger focus on practical cooperation, so as to better empower those countries' institutions to implement the reforms and meet the commitments stemming from the various agreements concluded with the EU; points out that the direct link between performance and financial assistance (e.g. the Governance Facility within the ENPI) needs to be enhanced, especially in the area of democracy, human rights and the rule of law;

42. Considers that budget support could be discussed as a useful option that could provide real incentives in the future; believes, however, that it should be based on the differentiation principle and should be subject to conditionality, including the adherence of beneficiary countries to shared values and principles, effective budgetary management and control procedures, low levels of corruption, and the ability to use such support in a transparent, effective and accountable manner;

43. Insists that there should be a sizeable increase in the heading 4 ceiling within the overall budget, in particular for the ENPI, given that, despite there having been some progress over the last few years in promoting enhanced cooperation and progressive economic integration between the European Union and the partner countries, more needs to be done as new challenges and areas for cooperation emerge;

44. Calls on the Commission to increase financial support, albeit not at the expense of funding for the Union for the Mediterranean, for the eastern component of the ENP, in order to fulfil the objectives and secure effective implementation of the EaP;

45. Points out that, although aid can act as a lever for ENP countries, it is not enough to guarantee sustainable and lasting development; calls, therefore, on ENP countries to strengthen and mobilise their domestic resources, actively involve the private sector, local governments and civil society in the ENP agenda and ensure greater ownership of ENP projects;

46. Notes that strengthening the Youth dimension of the Eastern Partnership represents a major investment in the future of EU-Eastern Neighbourhood relations, with great potential for the years to come, and in the democratisation of those partners and the harmonisation of their legislation with European standards; reiterates that the additional EUR 1 000 000 allocated to the ENPI for 2011 within the EU budget for 2011 should be spent by the Commission on strengthening the Youth dimension of the Eastern partnership by providing:

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(a) small grants to be awarded through calls for proposals issued by the Commission or an EU delegation and addressed to EU and EaP countries' youth organisations, for common projects;

(b) scholarships for students from ENP-East countries;

47. Welcomes the outcome of the donor conference held on 2 February 2011 for Belarus, with some EUR 87 million to be spent on supporting human rights spokespersons and strengthening trade unions, research centres and students organisations;

48. Notes the EU's stronger engagement in security issues in the Eastern Neighbourhood with the establishment of the EUBAM in Moldova and the EUMM in Georgia; calls on the VP/HR and the EEAS to step up their involvement in finding a solution to the protracted conflicts in Transnistria and the South Caucasus based on the principles of international law – in particular non-use of force, self-determination and territorial integrity – through more active policy stances, more active participation and a more prominent role in permanent and *ad hoc* conflict resolution structures, including already existing negotiating formats, particularly those of the OSCE;

49. Calls on the VP/HR and the EEAS to develop more confidence-building measures and programmes, including the launching of new missions and public communication strategies and the consideration of pragmatic initiatives and innovative approaches such as informal contacts and consultations with the societies of the breakaway territories, while conserving the EU's non-recognition policy, in order to support civic culture and community dialogue; underlines the importance of strengthening the principle of good neighbourly relations, as well as developing regional cooperation through the ENP, the EaP and the negotiations on Association Agreements; considers that the EU Special Representatives (EUSRs) still have a significant role to play, particularly where their mandate has a regional dimension, such as in the South Caucasus; considers that more and better measures should be implemented with a view to solving the protracted conflicts in the region, which are hindering the multilateral dimension;

50. Draws attention, in this regard, to the fact that the lack of any progress as regards the resolution of the unsolved conflicts in the South Caucasus has hindered the development of all kinds of cooperation in the region, except for the Regional Environment Centre (REC), and consequently weakened the ENP; takes the view that it is of the utmost importance to identify areas of cooperation in which to involve the three countries with regard, in particular, to the dialogue between civil societies, youth organisations and independent media organs as well as economic interaction and calls on the EEAS to make every effort also to engage the Russian Federation and Turkey in this initiative;

51. Believes that, in order to reduce the workload of EU delegations to these countries and to enhance the EU's involvement in internationally negotiated solutions to protracted conflicts, the appointment of EUSRs can be a useful tool, particularly in the case of Transnistria and the South Caucasus; emphasises that the work of the EUSRs should be coordinated by the VP/HR;

52. Expresses concern at the fact that forcibly displaced persons (both refugees and internally displaced persons (IDPs)) are still being denied their rights, including the right to return, property rights and the right to personal security, as a result of armed conflicts in the territories of the partner countries; calls on all parties to unambiguously and unconditionally recognise these rights and the need for their prompt realisation and for a prompt solution to this problem that complies with the principles of international law; calls, in this respect, on the Commission and the EU Member States to continue and step up the provision of EU assistance and financial support to those EaP countries dealing with this situation, in particular by helping to renovate and construct necessary buildings and roads, water and electricity supply infrastructure, hospitals and schools;

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Role of the European Parliament

53. Stresses the key importance of the European Parliament in fostering political debate and in enhancing freedom and democracy in the neighbouring partner countries, including through parliamentary election observation missions; underlines its commitment to increasing coherence among its bodies, strengthening its relations with civil society and the effectiveness of the work of its bodies, including through better use of its delegations to interparliamentary bodies;

54. Reaffirms its strong support for the EURONEST Parliamentary Assembly, highlighting that body's role in deepening democracy and democratic institutions and as the parliamentary dimension of the Eastern Partnership; considers that the Assembly will make a useful contribution to the implementation of the strengthened ENP and will confer added value on all the parties interested in reinforcing cooperation, solidarity and mutual trust and promoting best practices; states that Belarusian parliamentarians are welcome to join the EURONEST Parliamentary Assembly, but only when the Belarusian Parliament is democratically elected and recognised as such by the European Union;

55. Stresses the role of the European Parliament in all phases and areas of the development of the ENP, both in the making of strategic choices and in scrutinising ENP implementation, and reiterates its commitment to continuing to exercise the right of parliamentary scrutiny of implementation of the ENP, including by holding regular debates with the Commission on the application of the ENPI; regrets, however, the limited consultation and access to documents during the drafting of relevant programming documents; calls for Parliament to be granted access to the negotiating mandates for all international agreements under negotiation with the ENP partner countries, in accordance with Article 218(10) of the Treaty on the Functioning of the European Union, which states that Parliament shall be immediately and fully informed at all stages of the procedure;

56. Welcomes the Council's decision to convene a second Eastern Partnership Summit during the second half of 2011; calls, in this regard, on EU Member States to make use of this opportunity to take stock of the progress made and to further revise the strategic guidance for the EaP so that it may continue to deliver substantial results in the future;

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57. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), the European External Action Service (EEAS), the Committee of the Regions, the governments and the national parliaments of the ENP countries, the OSCE and the Council of Europe.

Review of the European Neighbourhood Policy – Southern Dimension

P7_TA(2011)0154

European Parliament resolution of 7 April 2011 on the review of the European Neighbourhood Policy - Southern Dimension

(2012/C 296 E/17)

The European Parliament,

- having regard to the development of the European Neighbourhood Policy (ENP) since 2004, and in particular to the Commission's progress reports on its implementation,
- having regard to the Action Plans adopted jointly with Egypt, Israel, Jordan, Lebanon, Morocco, the Palestinian Authority and Tunisia,

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- having regard to the Commission Communications of 11 March 2003 on Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours (COM(2003)0104), of 12 May 2004 on European Neighbourhood Policy - Strategy Paper (COM(2004)0373), of 4 December 2006 on Strengthening the ENP (COM(2006)0726), of 5 December 2007 on A Strong European Neighbourhood Policy (COM(2007)0774), and of 12 May 2010 on Taking Stock of the European Neighbourhood Policy (ENP) (COM(2010)0207),
- having regard to the joint communication of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy on a partnership for democracy and shared prosperity with the Southern Mediterranean of 8 March 2011 (COM(2011)0200),
- having regard to the Foreign Affairs Council conclusions on the ENP of 26 July 2010,
- having regard to its previous resolutions of 19 January 2006 on the European Neighbourhood Policy (ENP) ⁽¹⁾, of 6 July 2006 on the European Neighbourhood and Partnership Instrument (ENPI) ⁽²⁾, of 15 November 2007 on strengthening the European Neighbourhood Policy ⁽³⁾, of 19 February 2009 on the Barcelona Process: Union for the Mediterranean ⁽⁴⁾, of 19 February 2009 on the review of the European Neighbourhood Policy Instrument ⁽⁵⁾, of 20 May 2010 on the Union for the Mediterranean ⁽⁶⁾, and of 9 September 2010 on the situation of the Jordan River, with special regard to the Lower Jordan River area ⁽⁷⁾,
- having regard to its resolutions of 3 February 2011 on the situation in Tunisia ⁽⁸⁾, of 17 February 2011 on the situation in Egypt ⁽⁹⁾ and of 10 March 2011 on the Southern Neighbourhood, and Libya in particular, including humanitarian aspects ⁽¹⁰⁾,
- having regard to the conclusions of the EU-Morocco Association Council of 13 October 2008, which granted advanced status to Morocco,
- having regard to the conclusions of the EU-Jordan Association Council of 26 October 2010, which granted advanced status to Jordan,
- having regard to the approval of the Barcelona Process: Union for the Mediterranean by the Brussels European Council of 13 and 14 March 2008,
- having regard to the Commission Communication of 20 May 2008 on 'The Barcelona Process: Union for the Mediterranean (UfM)' (COM(2008)0319),
- having regard to the final statement issued at the meeting of the Ministers of Foreign Affairs of the Union for the Mediterranean held in Marseille on 3 and 4 November 2008,
- having regard to the Declaration of the Paris Summit for the Mediterranean, held in Paris on 13 July 2008,
- having regard to the Barcelona Declaration establishing a Euro-Mediterranean Partnership adopted at the Euro-Mediterranean Conference of Ministers of Foreign Affairs held on 27 and 28 November 1995,

⁽¹⁾ OJ C 287 E, 24.11.2006, p. 312.

⁽²⁾ OJ C 303 E, 13.12.2006, p. 760.

⁽³⁾ OJ C 282 E, 6.11.2008, p. 443.

⁽⁴⁾ OJ C 76 E, 25.3.2010, p. 76.

⁽⁵⁾ OJ C 76 E, 25.3.2010, p. 83.

⁽⁶⁾ Texts adopted, P7_TA(2010)0192.

⁽⁷⁾ Texts adopted, P7_TA(2010)0314.

⁽⁸⁾ Texts adopted, P7_TA(2011)0038.

⁽⁹⁾ Texts adopted, P7_TA(2011)0064.

⁽¹⁰⁾ Texts adopted, P7_TA(2011)0095.

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- having regard to the statements issued by the Bureau of the Parliamentary Assembly of the Union for the Mediterranean (PA-UfM) at its meetings in Paris (12 July 2008), Cairo (20 November 2009), Rabat (22 January 2010), Palermo (18 June 2010) and Rome (12 November 2010),
 - having regard to the recommendation of the Euro-Mediterranean Parliamentary Assembly (EMPA) adopted in Amman on 13 October 2008 and forwarded to the First Meeting of the Ministers of Foreign Affairs of the Barcelona Process: Union for the Mediterranean,
 - having regard to the recommendations adopted by the committees of the PA-UfM at its sixth plenary session, held in Amman on 13 and 14 March 2010,
 - having regard to the conclusions of the inaugural meeting of the Euro-Mediterranean Regional and Local Assembly (ARLEM) held in Barcelona on 21 January 2010,
 - having regard to Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument (ENPI) ⁽¹⁾,
 - having regard to its recommendation to the Council of 13 December 2010 on the negotiations on the EU-Libya Framework Agreement,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas respect for and the promotion of democracy and human rights, and specifically women's rights, the rule of law, the strengthening of security, democratic stability, prosperity, the fair distribution of income, wealth and chances in society and, therefore, the fight against corruption and the promotion of good governance, are founding principles and aims of the European Union and must constitute common values shared with ENP partner countries and become key objectives of the ENP,
- B. whereas the ENP review should take account of the demonstrations calling for freedom, democracy and reforms in several countries in the EU's Southern Neighbourhood, as they illustrated the strong desire among the people for genuine change and better living conditions in the region,
- C. whereas, largely motivated by the uneven distribution of wealth and economic growth and the lack of freedoms, civil unrest, stemming from the general dissatisfaction of the population with the regimes in power, has grown throughout the whole region,
- D. whereas the effects of the economic and financial crisis have come on top of the already existing political, economic and social challenges in the partner countries, particularly in relation to the problem of unemployment and the rising of prices, which has led to the uprisings in the region,
- E. whereas the events in Tunisia, Egypt, Libya, Syria, Algeria, Morocco, Jordan, and other countries calling for democratic reforms require the EU to make appropriate changes to the ENP in order to support effectively the process of political, economic and social reform while unequivocally condemning the use of force in repressing peaceful demonstrations,
- F. whereas since its launch in 2004 the ENP has proven ineffective in meeting its human rights and democracy objectives and has been unable to bring about the necessary political, social and institutional reforms; whereas in its relations with the region the EU has neglected dialogue with civil societies and democratic forces on the southern shore of the Mediterranean; whereas shortcomings and challenges remain, and the focus should now be on implementation in an effort to act together with partners who are truly representative of civil society and critical institutions vital to democracy-building, with clearly defined priorities for action, clear benchmarks and differentiation based on performance and achievements,

⁽¹⁾ OJ L 310, 9.11.2006, p. 1.

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- G. whereas there are significant economic, social and demographic asymmetries between the European States and the States from the ENP South, which call for responses in the shared interests of all the partners,
- H. whereas the EU needs to define more precisely its strategic goals and priorities in its partnership with its eastern and southern neighbours and should attach due importance to related items on its political agenda, also in its budgetary planning,
- I. whereas the ENP should include more ambitious and efficient instruments to encourage and support political, economic and social reforms in the EU's neighbourhood,
- J. whereas the Lisbon Treaty has created the conditions for the EU to improve the efficiency and coherence of its policies and functioning, particularly in the sphere of external relations through the creation of the post of Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) and the European External Action Service (EEAS), and whereas the VP/HR should ensure that the EU's voice is heard on the international stage,
- K. whereas Articles 3 and 21 of the Treaty on European Union further develop the objectives of the Union's foreign policy and put the promotion of human rights, and, more specifically, the universality and indivisibility of human rights and fundamental freedoms, at the centre of the Union's external action,
- L. whereas, in accordance with Article 8 of the Treaty on European Union, the Union must develop a special relationship with neighbouring countries, with the aim of establishing an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation,
- M. whereas unresolved conflicts and violations of international human rights law represent an impediment to the fulfilment of the ENP, hampering economic, social and political development and regional cooperation, stability and security,
- N. whereas the quest for short-term stability has often taken precedence over the values of democracy, social justice and human rights in the EU's relations with its southern neighbours in recent years,
- O. whereas the EU should pursue a bottom-up approach, increasing its support for institution-building, civil society and the will to start democratisation processes, in particular the participation of women, and socio-economic developments, which are preconditions for long-term stabilisation,
- P. whereas respect for human rights, and in particular women's human rights, democracy and the rule of law, including the fight against torture and cruel, inhumane or degrading treatment, and opposition to the death penalty, are fundamental EU principles,
- Q. whereas the UfM is currently on hold, in particular following the postponement *sine die* of the its Second Summit of Heads of State or Government and ministerial meetings and the resignation of its Secretary-General; whereas the regional context in which the UfM is taking shape is one which is marked by territorial conflicts, political crises and an increase in social tension and which has been overtaken by the popular uprisings in Tunisia, Egypt and other Mediterranean and Middle Eastern countries, all of which are hampering the operation of the UfM's institutions and the start of the major regional integration projects identified by the UfM Heads of State and Government at the Paris Summit in July 2008 and by the UfM Ministers of Foreign Affairs at their meeting in Marseille on 3 and 4 November 2008; whereas the UfM, which was supposed to enhance EU policy in the region, has proved ineffective in allaying the growing mistrust and meeting the basic needs of the peoples concerned,

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- R. having regard to the opportunity offered by the establishment of the UfM to strengthen complementarity between bilateral policies, on the one hand, and regional policies, on the other, in order to achieve more effectively the goals of Euro-Mediterranean cooperation,
- S. whereas other global actors, and the BRIC countries in particular, have been further strengthening their economic presence and political influence in the EU's Southern Neighbourhood,
- T. whereas the effects of the political, economic, social and financial crisis have added to the existing political, economic and social challenges facing the ENP southern countries; whereas the cost of reforms relating to convergence with the *acquis* and adaptation in line with progressively closer economic and social relations is an additional challenge in the EU' southern neighbours; whereas in some countries these factors have contributed greatly to civil unrest and demands for democratisation and reforms,
- U. whereas the issue of water management, and particularly the fair distribution of water in keeping with the needs of all the people living in the region, is of the utmost importance for lasting peace and stability in the Middle East,
- V. whereas demographic trends show that over the next 20 years population levels in the EU Member States will be stable, but with an increasingly aged population, and the ENP southern countries will see an increase in their populations, and a particular increase in the working-age bracket; whereas economic growth and job creation in these countries might not be able to keep pace with the forecast increase in population, especially as some countries are already facing very high rates of unemployment, and even higher levels of youth unemployment,
- W. whereas corruption in the ENP southern countries remains a serious concern, involving large sections of society and state institutions,
- X. whereas the ENPI has contributed to simplifying the financing of the ENP; whereas the process of developing its successor instrument should reflect the recent developments in the region, and, especially, the legitimate democratic aspirations of the population, and the conclusions of the ENP Strategic Review and be carried out on the basis of consultations with all stakeholders, in particular local actors,

ENP Review – General

1. Reaffirms the values, principles and commitments upon which the ENP has been built, which include democracy, the rule of law, respect for human rights and fundamental freedoms and respect for women's rights, good governance, the market economy and sustainable development, and reiterates that the ENP has to become a valid framework for the deepening and strengthening of relations with our closest partners so as to encourage and to support their political, social and economic reforms, which are designed to establish and consolidate democracy, progress and social and economic opportunities for all; emphasises the importance of maintaining the principles of shared responsibility and joint ownership in the conception and implementation of ENP programmes; considers that since its launch in 2004 the ENP, as a single policy framework and through its performance-driven differentiation and tailor-made assistance, has brought tangible benefits both for ENP partners and the EU;
2. Recalls, in the light of current events in the southern Mediterranean, particularly in Tunisia, Egypt, Libya, Syria, Algeria, Morocco, Jordan, and other countries calling for democratic reforms, the ENP's failure to promote and safeguard human rights in third countries; urges the EU to draw lessons from those events and to revise its democracy and human rights support policy so as to create an implementation mechanism for the human rights clause included 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; calls for better coordination with the Union's other policies vis-à-vis those countries;

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3. Calls on the EU to lend strong support to the process of political and economic reform in the region, by using all existing instruments in the framework of the ENP and, wherever necessary, by adopting new ones in order to assist in the most effective way possible the process of democratic transition, with a focus on respect for fundamental freedoms, good governance, the independence of the judiciary and the fight against corruption, thus responding to the needs and expectations of the peoples of our southern neighbours;
4. Emphasises the need to increase the funds allocated to the ENP in the post-2013 multiannual financial framework (MFF), giving priority, in the light of recent events, to the southern dimension of the ENP; considers that the new MFF should take into account the specific characteristics and the needs of each country;
5. Stresses that a concrete offer of a closer political partnership and economic integration must be made to the EU's neighbouring countries, based on the principles of openness, joint ownership and conditionality; calls for that offer to be tailored to the differing needs of specific countries and regions, so as to give the most advanced partners a faster path towards compliance with EU standards and values;
6. Calls for an increased focus on cooperation with civil society organisations, as these have been the main driving forces behind the popular uprisings throughout the region;
7. Emphasises the need to provide an adequate level of EU funding for cooperation with the neighbourhood, and reiterates the value of the ENPI as the main financing instrument of the ENP, one which should evolve so as to respond more flexibly to the differing needs of the neighbouring countries and regions, guarantee direct linkage between ENP policy objectives and ENPI programming, and reflect the performance-based nature of the future ENP; emphasises, however, the need to provide better-targeted assistance, particularly aimed at civil society and local communities, in keeping with the bottom-up approach; underscores the value of monitoring the management and implementation of the various ENPI programmes;
8. Stresses that all the necessary measures, including adequate financial, human and technical resources, must be in place to guarantee that the EU can respond appropriately in the event of any mass migratory movement, in accordance with Article 80 TFEU;
9. Emphasises that the Strategic Review of the ENP should properly address the policy's shortcomings and advocate an increased political commitment on the part of all partners, at the same time strengthening the performance-based differentiation, on the basis of clearly defined benchmarks; calls for the review also to pay close attention to the urgent need to develop the multilateral dimension, in an effort to establish enhanced, continuous and substantive political dialogue with partner countries;
10. Regards as particularly important continuous assessments not only of the results that have been achieved to date through the programmes implemented, but also of the adequacy of the resources employed within the framework of the partnership; takes the view that this procedure will provide an opportunity to correct any shortcomings and incorrect choices in the future;
11. Calls on the Council and Commission to review the ENP for southern neighbours with the aim of providing the resources and the assistance needed for a genuine democratic transition and laying the basis for far-reaching political, social and institutional reforms; insists that the review of the neighbourhood policy must prioritise criteria relating to the independence of the judiciary, respect for fundamental freedoms, including freedom of media, and the fight against corruption;
12. Acknowledges and stresses the difference between 'the European neighbours' - countries which can formally join the EU after fulfilling the Copenhagen criteria, and 'the neighbours of Europe' - states which cannot join the EU owing to their geographical position;

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13. Takes the view that it is therefore a matter of the utmost importance and urgency to rethink and overhaul the EU strategy towards the Mediterranean and that this new strategy should enhance political dialogue and support for all democratic and social forces, including civil society actors; calls on the Council, in that connection, to define a set of political criteria that ENP countries must fulfil in order to be granted 'advanced status';

14. Stresses the need to acknowledge and exploit the changes brought about by the Lisbon Treaty, in particular the strengthened role of the VP/HR, the creation of the EEAS and Parliament's new powers, in order to lend greater coherence to the EU's foreign policy and to increase the efficiency and legitimacy of its external dimension and action; considers that only if the Council and the Commission are able to draw lessons from past and current events and carry out a thorough and comprehensive analysis of the shortcomings of the present ENP will the EU be in a position to develop a credible and effective policy towards its Mediterranean partners;

15. Stresses the importance of a partnership between the EU and the southern neighbouring countries, and emphasises that this close cooperation is in the interests of both sides;

16. Considers that the EU should learn from the recent events in the Southern Neighbourhood and that the ENP should be reviewed in this light, with the aim of establishing a partnership with societies, and not only with States;

Southern Dimension

17. Highlights the importance of setting up a task force, involving Parliament, in response to the calls for monitoring of the democratic transition processes made by actors for democratic change, in particular as regards free and democratic elections and institution-building, including an independent judiciary;

18. Strongly supports, in the light of recent developments in the region, the legitimate democratic aspirations expressed by people in several countries in the EU's Southern Neighbourhood, and calls on the authorities in those countries to bring about as quickly as possible a peaceful transition to genuine democracy; emphasises that the Strategic Review of the ENP must fully take into consideration and reflect these developments;

19. Calls, in this context, for the EU to provide significant support for democratic transformation in its southern neighbours, in partnership with the societies concerned, by mobilising, reviewing and adapting existing instruments aimed at fostering political, economic and social reform; calls, in this respect, on the Council and the Commission to make short-term transitional financial support mechanisms, including loans, available to those countries expressing a need for them as a result of swift democratic changes and an extraordinary fall in liquidity; calls in addition on the Commission to review as quickly as possible Tunisia and Egypt's National Indicative Programmes for the period 2011-2013 in order to take into account the new, urgent needs of those partners in terms of democracy-building;

20. Stresses the importance of stepping up political dialogue with the EU's southern neighbours; emphasises once again that the strengthening of democracy, the rule of law, good governance, the fight against corruption and respect for human rights and fundamental freedoms are essential elements of this dialogue; stresses, in that connection, the importance of respect for freedom of conscience, religion and thought, freedom of expression, freedom of the press and the media, freedom of association, women's rights and gender equality, the protection of minorities, and the fight against discrimination based on sexual orientation;

21. Notes that advanced status has already been granted to or is currently being negotiated with some partner countries; stresses the importance of taking a more transparent and coherent approach towards this differentiation, in order to create a substantive process that delivers, and of clear benchmarks being established in order to avoid the application of double standards regarding the criteria which must be fulfilled in order for advanced status to be granted;

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22. Emphasises the need to adapt the Copenhagen criteria to the requirements linked to the granting of advanced status; calls on the Commission to be sure to grant third countries advanced status when they fulfil those criteria;
23. Stresses that the fight against corruption, in particular in the judiciary and the police, should be a top priority for the EU in the development of its relations with its southern partners;
24. Insists on being consulted at all stages of the process of granting advanced status to partner countries and of the drafting of the ENP Action Plans, in keeping with its new role under the Lisbon Treaty; calls on the Council and the EEAS to involve Parliament in the advanced-status decision-making process by developing a clear consultation mechanism to be used at all stages of the negotiations, including as regards the criteria to be fulfilled and the setting of the priorities and guidelines included in the Action Plans;
25. Stresses that an effective partnership between the EU and its southern neighbours can only be based on synergy between the interlinked bilateral and multilateral dimensions of this cooperation process, and therefore deplores the fact that the ENP does not take sufficient account of the need to strengthen the multilateral dimension;
26. Pays tribute to the courage of the people in Tunisia, Egypt and Libya who have made a stand in order to demand democracy and freedom, and calls on all the EU institutions to offer their fullest support to the democratic transition process in those countries;
27. Deplores the loss of human life during the peaceful uprisings in Tunisia and Egypt and calls on the authorities to investigate the incidents in question properly and to bring those responsible to justice;
28. Believes that the Israeli-Palestinian conflict is at the root of political tensions in the Middle East and in the Mediterranean region as a whole;
29. Calls on the VP/HR to engage actively in conflict resolution and confidence-building in the region, ensuring that the EU has an active role as a player and not only a payer, in particular in the central Middle East peace process and also the Western Sahara conflict; believes that conflict resolution holds the key to political, economic and social developments in the region and to the progress of the ENP regional dimension and its multilateral forms of cooperation, such as the UfM; notes that finding a comprehensive solution, in accordance with international law, to the various conflicts, and the Arab-Israeli conflict in particular, in the EU's southern neighbourhood is crucial to the full success of the ENP;
30. Believes that intercultural dialogue within the Mediterranean region is crucial to enhancing mutual understanding, solidarity, tolerance and the well-being of its peoples; expects the review to give consideration to developing instruments for this purpose;
31. Is deeply concerned at the continued postponement *sine die* of the second Summit of Heads and State and Government of the UfM and of UfM ministerial meetings, which is sending out a negative message to the region's peoples and institutions; considers that the resignation of its Secretary-General highlights the need to clarify the nature of the UfM's procedures and institutions; points out that political tensions and regional conflicts in the Mediterranean region should not hamper concrete progress towards sectoral and multilateral cooperation, and that it is by carrying out major integration projects and through open political dialogue that the UfM can contribute to the development of a climate of trust conducive to the achievement of the common objectives of justice and security, in a spirit of solidarity and peace;
32. Deplores the inadequate funding allocated to the UfM and the very low degree of commitment shown by the Member States on both shores of the Mediterranean; deplores the EU's undefined approach to Mediterranean policy and calls on the EU to develop a long-term strategic vision for the development and stabilisation of the region; insists on the need to make the Euro-Mediterranean integration process a political priority on the European agenda;

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33. Is convinced that the UfM should be relaunched to take account of the new developments in the region; takes the view that this new UfM should promote sound economic, social and democratic development and create a strong and common basis for a close relationship between the EU and its southern neighbours; believes this new community would also open up new prospects for a sustainable peace in the Middle East, one embedded in the various societies in the region and not only contingent on the fragile political will of its authoritarian leaders;

34. Notes that the review should address the UfM's failure to meet expectations and assess challenges ahead, and consider new ways of strengthening the bilateral instruments under the ENP; believes, in that connection, that more resources should be devoted to areas where tangible progress can be achieved;

35. Is concerned at the lack of progress on the establishment of the Euro-Mediterranean Free Trade Area; calls for concerted negotiations to be conducted once the requirements for deep and comprehensive free trade areas intended to form the basis of a Euro-Mediterranean Free Trade Area have been met, taking due account of the socio-economic realities of each of the partner countries and provided that the social and environmental impact of these agreements is properly assessed in good time; deplores the fact that no real progress has been made by the various actors in creating the necessary conditions; encourages, also, the development of South-South bilateral and multilateral economic cooperation which would bring tangible benefits for the citizens of the countries involved and improve the political climate in the region;

36. Emphasises the need to target the most important specific issues in each of the countries concerned, but reiterates that the socio-economic situation, especially of younger generations, must be a particular focus of the ENP;

37. Believes that enhanced sub-regional cooperation among Member States and ENP countries with specific shared interests, values and concerns could create a positive dynamic for the whole Mediterranean area; encourages the Member States to explore the potential of variable geometry as a pattern of cooperation and emphasises that the future ENP should facilitate and promote this approach, in particular through its regional funding budget;

38. Believes that in the context of policy on the Southern Neighbourhood the problem of irregular immigration has to be addressed; calls on the Council and the Commission to monitor the implementation of the agreements with all the southern neighbouring countries and of existing bilateral agreements between the EU Member States and all the regional actors as regard the issues of immigration and, particularly, readmission;

39. Deplores the asymmetrical approach adopted by the EU towards its eastern and southern neighbours in the area of mobility and visa policy; advocates, with regard to mobility, the facilitation of visa procedures for ENP southern countries – especially for students, researchers and businessmen - and the adoption of a Euro-Mediterranean partnership for mobility; stresses the important role that some ENP countries can play in managing migration flows; emphasises that cooperation on the management of migration flows must be fully consistent with EU values and international legal obligations; insists that readmission agreements with partners countries should be envisaged only for irregular immigrants, thus excluding those who declare themselves asylum seekers, refugees or persons in need of protection, and reiterates that the principle of 'non-refoulement' applies to any persons who are at risk of the death penalty, inhumane treatment or torture; calls for closer cooperation to halt the trafficking of human beings and for improvements to the conditions in which migrant workers live, both in the EU and in the ENP southern countries;

40. Calls on the VP/HR, the EEAS and the Commission to place at the top of the agenda for their talks with ENP southern countries the EU's political priorities of death penalty abolition, respect for human rights, including women's human rights, and respect for fundamental freedoms, including freedom of conscience

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and religion, freedom of association and the media, respect for the rule of law, the independence of the judiciary, the fight against torture and cruel and inhumane treatment, the fight against impunity and the ratification of a number of international legal instruments, including the Rome Statute of the International Criminal Court and the 1951 Convention relating to the Status of Refugees;

41. Calls, in the context of the revision of the agreements with ENP southern countries, for renewed attention to be paid to full respect for freedom of religion, in particular for all religious minorities, in the countries involved; emphasises that freedom of religion includes the freedom, either alone or in community with others, in public and in private, to manifest one's faith in worship, teaching, practice and observance and that such freedom must also include the right to change one's religion;

42. Stresses that the EU's contractual relations with all the ENP countries incorporate arrangements for a regular forum to address human rights issues, in the form of subcommittees on human rights; calls on the EEAS to make full use of these arrangements and involve existing subcommittees in any negotiations, to press for them to be made more effective and result-oriented, and to guarantee the involvement of civil society organisations and human rights defenders; recommends that the status of the informal EU-Israel working group on human rights be upgraded to that of a normal subcommittee; calls on the EEAS also to participate in structured cooperation between the COHOMs and Parliament's Subcommittee on Human Rights;

43. Calls on the VP/HR, the EEAS and the Commission actively to pursue the promotion and protection of freedom of communication and access to information, including on the internet;

44. Calls on the VP/HR, the EEAS and the Commission to strengthen the role of civil society organisations, in particular human rights organisations and women's organisations, in policy monitoring and the programming and implementation of assistance through a dedicated capacity-building facility; in that connection, highlights the need to empower women, and calls on the EEAS and the Commission systematically to analyse the gender impact of their projects and programmes and to advocate that women rights and gender equality should be taken into account in the revision of constitutions, penal codes, family law and other civil laws and in the human rights dialogues carried on with ENP partner countries; insists that the VP/HR, the EEAS and the Commission should not strengthen relations between third countries and EU if the countries concerned do not involve civil society organisations sufficiently in their policies; notes that civil society organisations are the EU's most faithful and powerful allies in promoting democratic values, good governance and human rights in partner countries; calls for the increased involvement of regional and local authorities and of professional organisations and the social partners in EU cooperation with its southern neighbours; calls on the Council and the Commission to further strengthen and make more effective use of the European Instrument for Democracy and Human Rights in this regard;

45. Emphasises the need to implement gender mainstreaming and to support specific actions so as to achieve an effective and systematic gender-equality approach in the ENP countries; urges governments and civil society to increase women's social inclusion, fight female illiteracy and promote women's employment so as to ensure a meaningful presence of women at all levels;

46. Stresses the importance of structured cooperation in the field of higher education and research in order to foster mutual recognition of qualifications and education systems, with a view, in particular, to increasing mobility for students, researchers and teachers, backed up by measures to combat the 'brain drain'; welcomes, in that connection, the assistance provided by the Tempus programme for higher education and the exchanges organised under ERASMUS Mundus Action 2, and the creation of the Euro-Mediterranean University (EMUNI), which is established as a Euro-Mediterranean network of universities on both shores;

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47. Emphasises the important role local authorities play in the democratic development of our partner countries, and encourages the expansion of twinning programmes between local authorities in EU and partner countries;

48. Emphasises the importance of trade unions and social dialogue as part of the democratic development of the southern partners; encourages those countries to strengthen labour and trade union rights; points out the important role social dialogue can play in addressing socio-economic challenges in the region;

49. Insists on the importance of bringing investment, training, research and innovation closer together, with special attention being paid to training tailored to job market needs in order to address the socio-economic challenges in the region; calls for particular attention to be focused on women and disadvantaged groups, such as young people; stresses, at the same time, the vital importance of lending further support to local development projects so as to contribute to the revitalisation of the most vulnerable cities and regions;

50. Stresses that a properly functioning, efficient, safe and secure multi-modal transport system is a precondition for economic growth and development, fostering trade and integration between the European Union and its southern Mediterranean partners; calls on the Commission to submit a mid-term assessment of the Regional Transport Action Plan (2007-2013) for the Mediterranean and to take the outcome into consideration in any future transport action plan;

51. Believes that sustainable development should be a cross-cutting criterion in the ENP review, with the emphasis being placed on improving environmental protection, developing the region's abundant renewable energy potential, and promoting policies and projects which foster better use of scarce water resources;

52. Reiterates its call on the Council, the Commission and the EU Member States to encourage and support a comprehensive plan to rectify the devastation of the Jordan River and to continue to provide financial and technical support for the rehabilitation of the river, and the Lower Jordan River in particular, also in the framework of the UfM;

53. Emphasises the high potential of cooperation in the field of energy and of sources of renewable energy, such as wind, solar and wave power; supports the coordinated implementation of the Mediterranean Solar Plan and industrial initiatives, which should be aimed at meeting the primary needs of the partner countries, and the adoption of a Euro-Mediterranean energy efficiency strategy; stresses the importance of promoting trans-Euro-Mediterranean interconnections in the electricity, gas and oil sectors in order to improve energy supply security through the establishment of a smart grid linking the entire Euro-Mediterranean region;

54. Recalls the importance of agriculture which favours local farmers, rural development, food security and food sovereignty, of adapting to climate change, and of access to water, and rational water use, and to energy; recommends that agricultural cooperation should be set as an ENP priority, in support of the Euro-Mediterranean roadmap for agriculture and as a means of stabilising food prices at national, regional and global levels;

55. Reiterates its call for the creation of a Euro-Mediterranean Civil Protection Force, given that the increase in the scale and number of natural disasters makes the allocation of appropriate resources essential and that such an initiative would strengthen solidarity among Euro-Mediterranean peoples;

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56. Underlines the importance of stronger cooperation with multilateral regional organisations from the South, most notably the Arab League, as well as the African Union, with a view to successfully addressing the challenges in the areas mentioned above; calls on the Commission to consider a new structured dialogue with these fora during the review of the ENP;

57. Reiterates the value of the ENPI as the financing instrument for the ENP; emphasises, however, the need to provide more flexibility and ensure that assistance is targeted more effectively, particularly at civil society and local communities, in keeping with the bottom-up approach; calls, further, for a comprehensive efficiency analysis of the ENPI with the aim of making better use of the available financial instruments and funds in the context of the EU's relations with its southern neighbours and ensuring that development aid and assistance is used properly in beneficiary countries; regards the transparency of funding and the inclusion of anti-corruption mechanisms in the financing instruments as vital; underscores the value of monitoring the management and implementation of the various ENPI programmes; stresses the importance of strengthening cross-border projects, stepping up people-to-people programmes and developing incentives for regional cooperation; calls on the Commission and the EEAS to consult Parliament and civil society stakeholders at an early stage in the forthcoming preparation of the successor instrument;

58. Calls on the Council to adopt the legislative proposal to amend Article 23 of the ENPI regulation presented by the Commission in May 2008 and adopted by Parliament on 8 July 2008, which would make it possible to re-invest funds returned following past operations and thus provide the EU with a much-needed tool to alleviate the impact of the current financial crisis on the real economy and the impact of the substantial increases in food prices on the neighbourhood region, in particular the Southern Neighbourhood;

59. Stresses that the ENPI is not the only instrument available to finance programmes and actions under the ENP, and insists, therefore, on the need for a coherent approach based on using all financial instruments; calls, therefore, on the EEAS and the Commission to provide a clear overview of the money allocated per beneficiary country, including a breakdown per instrument;

60. Emphasises the need to increase the funds allocated to the southern dimension of the ENP in the EU's forthcoming MFF for the period from 2014 to 2020 in order to ensure that funding matches political ambitions and to implement the provisions on advanced status without affecting the other priorities of the ENP; insists on the need to comply with the agreement reached following the statement made by the Commission to COREPER in 2006, which earmarks two-thirds of ENPI funding for the southern countries and one-third to the eastern countries, in accordance with demographic weighting;

61. Emphasises, however, that any increase in the funds allocated should be based on an accurate assessment of needs and consistent with an increase in the effectiveness of the programmes implemented, tailored and prioritised according to the requirements of each beneficiary country;

62. Welcomes the work carried out by the EIB's Facility for Euro-Mediterranean Investment and Partnership (FEMIP) and emphasises the need for more synergies with other international financial institutions also active in the region, and proposes once again the setting-up of a Euro-Mediterranean co-development financial institution, of which the EIB would remain the main shareholder; supports the raising of the EIB guarantee ceiling in order to enable the EIB to maintain the intensity of its operations in the region in coming years; invites the EBRD to change its statutes in order also to participate in this financial assistance process;

Role of the European Parliament

63. Stresses the key role of the European Parliament in ensuring that Europe's stability and prosperity are closely linked to democratic governance and economic and social progress in its ENP southern neighbours and in promoting political debate, fully-fledged freedoms, democratic reforms and the rule of law in its neighbouring partner countries, especially through the inter-parliamentary delegations and the PA-UfM;

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64. Reiterates its commitment to continue exercising the right of parliamentary scrutiny over the implementation of the ENP, also by holding regular debates with the Commission on the application of the ENPI; welcomes the broad consultation by the Commission and the EEAS on the ENP review, and hopes that the Commission and the EEAS will also guarantee that Parliament is fully and systematically consulted on the preparation of relevant documents, such as ENP Action Plans; furthermore, calls for Parliament to be granted access to the negotiating mandates for all international agreements in the process of being concluded with the ENP partner countries, in accordance with Article 218(10) TFEU, which states that Parliament must be immediately and fully informed at all stages of the procedure;

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65. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service, the governments and parliaments of the Member States and the ENP countries and the Secretary-General of the Union for the Mediterranean.

Use of sexual violence in conflicts in North Africa and the Middle East

P7_TA(2011)0155

European Parliament resolution of 7 April 2011 on the use of sexual violence in conflicts in North Africa and the Middle East

(2012/C 296 E/18)

The European Parliament,

- having regard to its resolution of 17 January 2008 on the situation in the Democratic Republic of Congo and rape as a war crime ⁽¹⁾,
- having regard to its resolution of 26 November 2009 on the elimination of violence against women ⁽²⁾,
- having regard to its resolution of 25 November 2010 on the 10th Anniversary of UN Security Council Resolution 1325 (2000) on Women, Peace and Security ⁽³⁾,
- having regard to its resolution of 17 February 2011 on the situation in Egypt ⁽⁴⁾,
- having regard to its resolution of 10 March 2011 on the Southern Neighbourhood, and Libya in particular ⁽⁵⁾,
- having regard to the declaration by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Catherine Ashton, on behalf of the European Union on International Day for the Elimination of Violence against Women, 25 November 2010,
- having regard to the declaration by the VP/HR, Catherine Ashton, on behalf of the European Union on International Women Day, 8 March 2011,

⁽¹⁾ OJ C 41 E, 19.2.2009, p. 83.

⁽²⁾ OJ C 285 E, 21.10.2010, p. 53.

⁽³⁾ Texts adopted, P7_TA(2010)0439.

⁽⁴⁾ Texts adopted, P7_TA(2011)0064.

⁽⁵⁾ Texts adopted, P7_TA(2011)0095.

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- having regard to the Universal Declaration of Human Rights of 10 December 1948,

- having regard to UN Security Council Resolutions 1325 (2000) and 1820 (2008) on women, peace and security, and UN Security Council Resolution 1888 (2009) on sexual violence against women and children in situations of armed conflict,

- having regard to the appointment in March 2010 of a Special Representative to the UN Secretary-General on Sexual Violence in Conflict, and the new UN Gender Entity (UN Women),

- having regard to the EU guidelines on violence and discrimination against women and girls and the EU guidelines on children and armed conflict,

- having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, and to UN General Assembly Declaration 3318 on the Protection of Women and Children in Emergency and Armed Conflict of 14 December 1974, in particular paragraph 4 thereof, which calls for effective measures against persecution, torture, violence and degrading treatment of women,

- having regard to the provisions of the UN legal instruments in the sphere of human rights, in particular those concerning women's rights, such as the UN Charter, the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the 1951 Convention relating to the Status of Refugees,

- having regard to other UN instruments on violence against women, such as the Vienna Declaration and Programme of Action of 25 June 1993 adopted by the World Conference on Human Rights (A/CONF.157/23) and the Declaration on the Elimination of Violence against Women of 20 December 1993 (A/RES/48/104),

- having regard to the UN General Assembly resolutions of 12 December 1997 entitled 'Crime prevention and criminal justice measures to eliminate violence against women' (A/RES/52/86), of 18 December 2002 entitled 'Working towards the elimination of crimes against women committed in the name of honour' (A/RES/57/179), and of 22 December 2003 entitled 'Elimination of domestic violence against women' (A/RES/58/147),

- having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women of 15 September 1995 and to Parliament's resolutions of 18 May 2000 on the follow-up to the Beijing Action Platform ⁽¹⁾, 10 March 2005 on the follow-up to the Fourth World Conference on Women - Platform for Action (Beijing+10) ⁽²⁾ and 25 February 2010 on Beijing +15 – UN Platform for Action for Gender Equality ⁽³⁾,

- having regard to the UN General Assembly resolution of 19 December 2006 entitled 'Intensification of efforts to eliminate all forms of violence against women' (A/RES/61/143), and to UN Security Council Resolutions 1325 and 1820 on women, peace and security,

⁽¹⁾ OJ C 59, 23.2.2001, p. 258.

⁽²⁾ OJ C 320 E, 15.12.2005, p. 247.

⁽³⁾ OJ C 348 E, 21.12.2010, p. 11.

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- having regard to the Rome Statute of the International Criminal Court, adopted in 1998, and particularly Articles 7 and 8 thereof, which define rape, sexual slavery, enforced prostitution, forced pregnancy and forced sterilisation or any form of sexual violence as crimes against humanity and war crimes and equate them with a form of torture and a serious war crime, whether or not such acts are systematically perpetrated during international or internal conflicts,

- having regard to Rule 110(4) of its Rules of Procedure,

- A. whereas women have actively participated in the uprisings for more democracy, rights and freedoms in North Africa and the Middle East,

- B. whereas the incumbent regimes in Libya and Egypt have resorted to sexual assaults as part of the conflict surrounding these revolutions, targeting women and, in particular, making them vulnerable,

- C. whereas sexual violence appears to be being used as a way of intimidating and degrading women, including in refugee camps, and whereas the power vacuum that has emerged can lead to deterioration of the rights of women and girls,

- D. whereas a Libyan woman, Iman al-Obeidi, who told reporters in a Tripoli hotel about being gang-raped and abused by soldiers was detained on 26 March 2011 in an unknown location and is now being sued for defamation by the men she is accusing of rape,

- E. whereas in Egypt female protestors claim they were subjected to 'virginity tests' by the military, having been rounded up in the Tahrir Square on 9 March 2011 and subsequently subjected to torture and rape, while the 'virginity tests' were performed and photographed in the presence of male soldiers; whereas some Egyptian women will be tried before military courts for failing 'virginity tests', and some have been threatened with prostitutions charges,

- F. whereas, when part of a widespread and systematic practice, rape and sexual slavery are recognised under the Geneva Convention as crimes against humanity and war crimes that should be tried before the International Criminal Court (ICC); whereas rape is now also recognised as an element of the crime of genocide when committed with intent to destroy, in whole or in part, a targeted group; whereas the EU should support efforts being aimed at ending impunity for perpetrators of sexual violence against women and children,

- G. whereas it has been proven that armed conflict has a disproportionate and unique impact on women; whereas the roles of women in peace building and conflict prevention should be strengthened, and women and children in war and conflict regions provided with better protection, through participation, prevention and protection,

- H. whereas the implementation of the commitments of UN Security Council Resolutions 1820, 1888, 1889 and 1325 is a common concern and a shared responsibility of each and every UN member state, be it conflict-affected, donor or other; whereas attention should be drawn in this respect to the adoption in December 2008 of EU guidelines on violence against women and girls and EU guidelines on children and armed conflict and combating all forms of discrimination against them, which send out the clear political signal that these are priorities for the Union,

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1. Calls on the Commission and the Member State governments to strongly oppose the use of sexual assaults on, and intimidation and targeting of, women in Libya and Egypt;
2. Strongly condemns forced 'virginity tests' inflicted by the Egyptian army on women protesters arrested in Tahrir Square and considers this practice as unacceptable, as it amounts to a form of torture; calls on Egypt's Supreme Military Council to take immediate measures to stop this degrading treatment and to ensure that all security and army forces are clearly instructed that torture and other ill-treatment, including forced 'virginity tests', cannot be tolerated and will be fully investigated;
3. Calls on the Egyptian authorities to take urgent steps to end torture, investigate all cases of abuses against peaceful demonstrators, and stop prosecuting civilians before military tribunals; is particularly concerned by reports from human rights organisations stating that minors have been arrested and sentenced by military tribunals;
4. Recommends that an independent inquiry be established in order to hold the perpetrators accountable, with particular reference to crimes within the meaning of the Rome Statute of the International Criminal Court committed by Muammar Gaddafi; considers that those found responsible for such acts must be brought to justice and that the women who reported such abuses must be protected from reprisals;
5. Stresses that everyone should be able to express their views on the democratic future of their country without being detained, tortured or subjected to degrading and discriminatory treatment;
6. Strongly believes that the changes taking place in North Africa and the Middle East must contribute towards the ending of discrimination against women and their full participation in society on equal terms with men and in compliance with the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
7. Stresses the need to ensure women's rights in general in the new democratic and legal structures of these societies;
8. Emphasises that the role of women in the revolutions and the democratisation processes should be acknowledged, while highlighting the specific threats they face and the need to support and defend their rights;
9. Calls on the EU Member States actively to promote in the long term, both politically and financially, full implementation of UN Security Council Resolution 1325 and the establishment at European level of the control institutions and mechanisms provided for therein, and on the United Nations to ensure implementation of the resolution at all international levels;
10. Stresses that there is a need to prioritise human rights in European Neighbourhood Policy (ENP) measures as an integral part of the democratisation process, and underlines the need to share EU experience on equality policy and on the fight against gender violence;
11. Emphasises the need to implement the principle of the equality of men and women and to support specific actions with a view to achieving an effective and systematic equality approach in the ENP countries; urges governments and civil society to increase women's social inclusion, including the fight against illiteracy and the promotion of employment, and their financial independence, so as to ensure a meaningful presence of women at all levels; stresses that equality must become an integral part of the democratisation process and that, moreover, education for women and girls should be a priority and should include raising awareness of their rights;

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12. Calls on the VP/HR, the EEAS and the Commission to place at the top of the agenda for their talks with ENP southern countries the EU's political priorities of death penalty abolition, respect for human rights – including women's human rights – and fundamental freedoms, and the ratification of a number of international legal instruments including the Rome Statute of the International Criminal Court and the 1951 Convention relating to the Status of Refugees;

13. Instructs its President to forward this resolution to the Council, the Commission and the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy.

EIB annual report for 2009

P7_TA(2011)0156

European Parliament resolution of 7 April 2011 on the 2009 Annual Report of the European Investment Bank (2010/2248(INI))

(2012/C 296 E/19)

The European Parliament,

- having regard to the EIB Group's 2009 Annual Report (Activity and Corporate Responsibility Report, Financial Report and Statistical Report),
- having regard to its resolution of 6 May 2010 on the European Investment Bank's annual report for 2008 ⁽¹⁾,
- having regard to its resolution of 25 March 2009 on the 2007 Annual Reports of the European Investment Bank and the European Bank for Reconstruction and Development ⁽²⁾,
- having regard to its resolution of 16 June 2010 on EU 2020 ⁽³⁾,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on Budgetary Control (A7-0073/2011),

The new Statute of the EIB

1. Welcomes the changes brought about by the Lisbon Treaty, allowing more flexibility in EIB financing, including: equity participations as a complement to the ordinary activities of the Bank; the possibility to establish subsidiaries and other entities, to regulate the so-called special activities and to provide wider technical assistance services; and the strengthening of the Audit Committee;

2. Recalls the changes brought about by the Lisbon Treaty, clarifying the objectives of EIB financing in third countries, which must support the overarching principles governing EU interaction with the wider world as stated in Article 3(5) TEU and under the guarantee must support the aims of EU external actions set out in Article 21 TEU;

⁽¹⁾ OJ C 81 E, 15.3.2011, p. 135.

⁽²⁾ OJ C 117 E, 6.5.2010, p. 147.

⁽³⁾ Texts adopted, P7_TA(2010)0223.

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3. Is aware of the request by some Member States for the EIB to take on more risk in its financing operations but draws attention to the fact that this should not endanger the EIB's AAA rating, a key factor in enabling it to provide its loans under the best conditions;
4. Recalls that the EIB's aim is to support the EU's policy objectives and that it is accountable to the Court of Auditors, OLAF and the EU Member States, as well as, on a voluntary basis, to the European Parliament;
5. Recommends, however, considering the suggestion that prudential regulatory supervision should be introduced concerning the quality of the EIB's financial situation, the precise measurement of its results and compliance with the rules of sound business practice;
6. Proposes that this regulatory supervision:
 - be exercised by the European Central Bank on the basis of Article 127(6) TFEU;
 - or, failing that and on the basis of a voluntary approach by the EIB, be carried out by the European Banking Authority with or without the participation of one or more national regulators, or by an independent auditor;
7. Calls on the Commission to provide Parliament, by 30 November 2011, with a legal analysis of the possible options for prudential supervision of the EIB;
8. Proposes that the Commission, in conjunction with the EIB (in view of the quality of the latter's human resources and its experience in financing major infrastructure), engage in a process of strategic analysis of investment funding, without ruling out any possible scenario, including subsidies, the release of sums subscribed to the EIB's capital by the Member States, EU subscriptions to the EIB's capital, loans, innovative instruments, financial engineering tailored to long-term projects which are not immediately profitable, the development of guarantee systems, the creation of an investment section within the EU budget, financial consortia of European, national and local authorities, and public-private partnerships;
9. Recalls, nevertheless, its warnings and concern about the fact that some of the EIB's management of EU programmes and funds has been excluded from the discharge procedure, thereby generating special requirements for coordination between the Commission and the EIB and making it difficult to gain an overview of the results obtained; stands by its demand that the EIB submit full information on outcomes: objectives set and achieved, reasons for any shortcomings and results of assessments carried out; calls on the Commission to provide detailed information on coordination procedures with the EIB and their effectiveness;
10. Calls on the Commission to obtain a statement from the EIB concerning activities with major multiplier effects which are guaranteed by the EU budget;
11. Stresses that, as at the end of 2009, EU budget guarantees for loans granted by the EIB amounted to EUR 19,2 billion; emphasises that this is a significant amount for the EU budget, and awaits a detailed explanation of the risks involved; takes the view that the EIB should also explain how the loan interest generated by means of these substantial guarantees is used;
12. Requests a detailed explanation of the administration fees received from the EU budget by the EIB;

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13. Reiterates its proposal for the European Union to be able to become a member of the EIB;

EIB financing in the EU

The global financial crisis and its implications for the EIB

14. Welcomes the Bank's focus on the three areas where the crisis has hit Europe hardest, namely small and medium-sized enterprises, convergence regions and climate action;

15. Recognises the critical role the EIB plays in supporting SMEs, particularly in times of financial crisis and economic downturn, and calls on it to facilitate the interplay of its global loan scheme with Structural Fund grants;

16. Points out the importance of SMEs to the European economy and therefore welcomes the increase of EIB financing to SMEs over 2008 to 2010, totalling the amount of EUR 30,8 billion, and recognises that this amount exceeds the annual target amount of EUR 7.5 billion for this period; welcomes the setting-up of the European Progress Microfinance Facility in March 2010 with some EUR 200 million of funding from the Commission and the Bank; underlines, however, the difficulties faced by SMEs in trying to obtain credit and, in this respect, calls on the EIB to continue enhancing transparency in its lending through financial intermediaries; to this effect, calls for the establishment of clear financing conditions and stricter lending effectiveness criteria for its financial intermediaries; calls for an obligation for the EIB to report annually on its lending to SMEs, including an evaluation of the accessibility and effectiveness thereof and of the measures directed towards achieving a greater penetration rate;

17. Recommends that the EIB's role be more focused, selective, effective and result-oriented; takes the view that in reaching small and medium-sized enterprises, it should especially partner transparent and accountable financial intermediaries linked to the local economy; considers that with regard to lending to SMEs, the EIB should actively disclose information through its website, in particular the amount disbursed, the number of allocations made so far, and the regions and sectors of industry to which disbursements have been made; takes the view that information on the conditions that the financial intermediary should fulfil should also be supplied;

18. Welcomes the fact that access by the EIB to ECB liquidity via the Luxembourg Central Bank has been agreed with a view to facilitating the EIB's lending programmes and liquidity management;

19. Notes that the convergence objective of the EU Cohesion Policy is a core target for the EIB; stresses the added value of the EIB joint actions with the Commission in the area of technical assistance (JASPERS), which provide additional support and leverage to Structural Fund intervention;

20. Encourages the EIB to further provide regions covered by the Convergence Objective with the technical assistance and cofinancing that they need in order to be able to take up a larger portion of the funds available to them, especially for projects in priority sectors, such as the transport infrastructure sector, and other growth- and employment-enhancing projects and projects forming part of the Europe 2020 Strategy, in accordance with high social, transparency and environmental standards;

21. Calls on the EIB to bring its operations fully into line with an EU objective of a swift transition to a low-carbon economy and to adopt a plan for the phase-out of fossil fuel lending, including its lending for coal-fired power plants, and for the redoubling of efforts to increase the transfer of renewable-energy and energy-efficient technologies;

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22. Expresses its concern about the persistent lack of transparency regarding the way in which 'global loans' are allocated and monitored in terms of tax governance, and therefore considers it necessary to ensure that recipients of loans do not avail themselves of tax havens or use other tax evasion practices;

23. Calls for greater coherence between the activities of the EIB and the EIF, notably in order to gear the orientation of the EIF more closely to the Europe 2020 objectives, and asks, in this respect, for the division of labour between the entities and the use of their respective balance sheets to be optimised;

24. Welcomes the decision of the EIB Group to cooperate more closely with the Commission in the framework of cohesion policy with regard to the three joint initiatives JESSICA, JEREMIE and JASMINE, which are aimed at making cohesion policy more efficient and effective as well as strengthening the leverage function of the Structural Funds; recognises that the above cooperation has proven useful and beneficial, in particular in the context of the economic crisis;

EIB financing after 2013

25. Takes the view that the time has come for strategic long-term investment in Europe to be substantially increased, with a particular focus on key areas of European infrastructure and cohesion; asks, in this connection, that:

— the Bank's activities be more transparent to Parliament,

— the EIB be clearly accountable to Parliament,

— financial instruments be used in a targeted manner;

26. Encourages the EIB to develop its post-2013 Operational Strategy in line with the Europe 2020 strategy;

27. Believes that the Europe 2020 Strategy takes an interesting and positive approach to financial instruments; in order to reinforce their efficiency, asks the EIB and the Commission to bear in mind the following objectives: simplifying procedures and maximising multiplier factors and the EIB Group's catalytic effect in order to attract public- and private-sector investors;

28. Invites the EIB to continue to give joint initiatives with the Commission a major role in the context of its collaboration with the Commission, particularly as regards cohesion policy; recognises the role that these initiatives have as catalysts for further development, inter alia with regard to the preparation of the next programming period post-2013;

29. Encourages the EIB to state a ranking of priorities in its investment projects, using methodologies like cost-benefit analysis to achieve the highest possible multiplication effect on GDP;

30. Supports high-quality investment stakeholders such as the EIB, particularly in view of its expertise in the use of innovative instruments such as the Structured Finance Facility, the Risk Sharing Finance Facility (RSFF) and the European Clean Transport Facility (ECTF);

31. Encourages the extension of the blending of EU grants with EIB loans as a means of increasing the leverage of available resources, provided that the new financial instruments are smart, integrated and flexible;

32. Considers that the extensive experience in creating and using financial instruments during the present programming period should permit both the Commission and the EIB to go beyond the current scope and use of these instruments and to innovate by extending the range of products offered;

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33. Is of the opinion that clear and separate objectives and legal frameworks are needed for bonds issued by the EIB for its own financing, as well as for future 'project bonds';

34. Points to the fact that the EIB is financing itself by successfully issuing common bonds backed by all EU Member States;

35. Welcomes the idea of 'project bonds' aimed at enhancing the credit rating of bonds issued by companies themselves within the framework of the Europe 2020 Strategy and used to finance European transport, energy and IT infrastructures and the greening of the economy; believes that such project bond issuance would impact positively on the availability of capital for growth- and job-enhancing sustainable investments complementing national and Cohesion Fund investment; considers that this instrument should enhance the credit rating of selected projects and attract private financing to complement national and Cohesion Fund investment;

36. Asks the Commission and the EIB therefore to present concrete proposals to create 'project bonds'; stresses that Parliament must be fully involved in establishing such instruments and asks for thought to be given to the use of the EU budget in the next Multiannual Financial Framework as first loss-capped risk buffer, with the EIB as subordinate financier;

37. Believes that there is a clear need for additional support by the EIB in the following areas: SMEs, midcaps and infrastructure and other key growth- and employment-enhancing projects as part of the Europe 2020 Strategy;

38. Urges the EIB to invest in freight transport in the European railway sector as well as in other Trans-European Networks of freight transport with a focus on the Mediterranean, Black Sea and Baltic Sea ports, in order to link them definitively to European markets;

39. Urges the EIB to provide more support for the building of the TEN-T network, with the aim of generating a leverage effect for more investment, from both the public and the private sector; considers that, here too, 'project bonds' can act as a complementary investment instrument alongside the budget in the TEN-T fund; urges that future investment be concentrated on cross-border sections of the TEN-T network in order to optimise the European added value generated;

40. Urges the EIB to invest in the Nabucco gas pipeline and other important TEN-E projects that will allow future EU energy demand to be met, diversifying Europe's pool of supplier countries, improving the EU's policy mix and helping to meet the Union's environmental commitments;

EIB financing outside the EU

The EIB's role in accession countries

41. Takes the view that, as part of its activities in the accession countries, the EIB should increase its focus on energy efficiency measures, renewable energy and environmental infrastructure, TENs and TEN-Es, and PPPs, in accordance with high social, transparency and environmental standards, and that, in line with EU climate objectives, it should prioritise sustainable modes of transport, in particular rail;

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42. Takes the view that the EIB should provide technical assistance to accession countries, as is provided for in the new Article 18 of the Bank's Statute;

The EIB's role in development

43. Welcomes the Lisbon Treaty amendment to Article 209 EC (read in conjunction with Article 208 EC), which provides that the EIB shall contribute, under the terms laid down in its Statute, to the implementation of the measures necessary to further the objectives of the Community's development cooperation policy;

44. Recalls that the EIB's financing strategy and operations should contribute to the general principles guiding the EU's external action, as referred to in Article 21 TEU, to the objective of developing and consolidating democracy and the rule of law, to the objective of respecting human rights and fundamental freedoms and to the observance of the international environmental agreements to which the European Union or its Member States are parties; recalls that the EIB must ensure compliance with the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, at all the relevant stages in each project;

45. Welcomes the conclusion of the Steering Committee of Wise Persons (SCWP) that thought should be given to developing an 'EU Platform for External Cooperation and Development'; however, urges the EIB and other European institutions to carefully address the feasibility of this new approach and its implications in the long run for the effectiveness of overall EU external action to avoid overall development policies and objectives being diluted by setting up instruments with no preliminary assessment of the goals and priorities they will serve;

46. Welcomes the proposed new decision that would strengthen the capacity of the EIB to support EU development objectives, replace regional objectives with horizontal high-level objectives and develop operational guidelines for each region under the external mandate; recalls the need for setting clear priorities, including renewable energy, urban infrastructure, development of municipalities, and locally owned financial institutions;

47. Recommends the following steps to strengthen the EIB's role in development:

- the allocation of a greater number of dedicated and specialist staff with expertise in development issues and developing countries, as well as an increase in the local presence of staff in third countries,
- increasing the share of the participation of local actors in the projects,
- additional dedicated capital in the area of projects targeting development,
- the allocation of more grants,
- exploring the possibility of grouping the EIB's activities in third countries together under a single separate entity;

48. Recommends that the EIB focus on investing in renewable energy projects in developing countries, with a particular focus on sub-Saharan Africa;

Cooperation between the EIB and international, regional and national financial institutions

49. Recognises that the cooperation between the EIB and MDBs, RDBs, European bilateral development agencies and public and private financial institutions from developing countries should be increased in support of EU policies;

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50. Believes that greater cooperation under the same conditions and based on reciprocity with regional and national financial institutions is necessary in order to ensure a more effective use of resources and the targeting of specific local needs;

51. Encourages the signing of the Memorandum of Understanding currently being negotiated between the EIB, the EBRD and the Commission with a view to strengthening cooperation in all common countries of operation outside the EU with the dual aim of making their lending policies coherent with each other and with EU policy objectives such as social cohesion and environmental protection;

Offshore financial centres

52. Calls on the EIB to establish clear financing conditions for financial intermediaries and to report on the progress made in terms of transparency and increased accountability, in particular when it comes to lending through financial intermediaries; considers that the EIB should update and make stricter its policy on offshore financial centres, going beyond the existing level playing field of OECD lists and taking into account all jurisdictions that might allow tax avoidance and evasion;

53. Is of the opinion that relying on the OECD's list of offshore financial centres is not sufficient and that all internationally recognised lists should apply until the EU has established its own list; considers, however, that the EIB should perform its own independent assessment and monitoring of relevant non-cooperative jurisdictions, and regularly make public its results, which would complement analyses from international and EU Reference Lists;

54. Is of the opinion that the EIB must not participate in any operation implemented through a non-cooperative jurisdiction, as identified by the OECD, the FATF and other relevant international organisations, as well as its own independent assessment and monitoring;

55. Is of the opinion that EIB should apply its updated and published policy on NCJ/OFC in a very strict manner in order to ensure that its financing operations do not contribute to any form of tax evasion or money laundering;

56. Asks the EIB to include in its Annual Report to the EP details concerning the implementation of its policy on offshore financial centres, in particular by reporting the number of applications turned down due to non-compliance and the number of relocations requested and implemented in order to be in compliance;

57. Calls on the EIB to further enhance a proactive and timely disclosure of project information, including its own assessments of the environmental, social, human rights and development impacts of the project, monitoring reports and ex-post evaluation reports;

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58. Instructs its President to forward this resolution to the Council, the Commission, the European Investment Bank, the World Bank Group, all regional development banks, and the governments and parliaments of the Member States.

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The case of Ai Weiwei in China

P7_TA(2011)0157

European Parliament resolution of 7 April 2011 on the case of Ai Weiwei

(2012/C 296 E/20)

The European Parliament,

- having regard to its previous resolutions in the current parliamentary term on human rights violations in China,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas a wave of calls on the internet for a Chinese 'Jasmine Revolution' (inspired by political developments in Tunisia, Egypt and Libya) has resulted in a series of actions and a widespread crackdown on human rights activists and dissidents by the Chinese authorities,
- B. whereas the internationally renowned artist and critic of the regime, Ai Weiwei, has not been seen since he was detained while passing through security checks at Beijing airport on Sunday, 3 April 2011,
- C. whereas, in addition to his detention, his studio was reportedly raided by the police, who confiscated several items,
- D. whereas Ai Weiwei was recently prevented from travelling to Oslo for the Nobel Peace Prize ceremony and held under house arrest after the opening of his sunflower seeds exhibit in London, and his studio in Shanghai was ransacked,
- E. whereas Ai Weiwei is widely known outside China, but is prevented from exhibiting as an artist in China, although his work has become known a result of his co-design of the 'Bird's Nest' Olympic stadium,
- F. whereas Ai Weiwei achieved national and international prominence by publishing the names of the child victims of the Sichuan earthquake and was subsequently beaten up by persons unknown, leading to his hospitalisation in Germany,
- G. whereas Ai Weiwei is one of the most prominent signatories of Charter 08, a petition that urges China to press ahead with political reform and the protection of human rights,
1. Condemns the unjustifiable and unacceptable detention of the critic of the regime and internationally renowned artist, Ai Weiwei;
 2. Calls for Ai Weiwei's immediate and unconditional release and expresses its solidarity with his peaceful actions and initiatives in favour of democratic reforms and the protection of human rights;
 3. Emphasises that the police have refused to provide the wife of Ai Weiwei with information regarding the reason for his detention;
 4. Stresses that Ai Weiwei's detention is characteristic of the widespread recent crackdown on human rights activists and dissidents in China, with numerous arrests, excessive prison sentences, increased personal surveillance and increased repressive restrictions on foreign reporters;

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5. Calls on the VP/HR, Catherine Ashton, to continue to raise the issue of human rights violations at the very highest level in her contacts with the Chinese authorities, - including the recent sentencing of Liu Xianbin to 10 years and Liu Xiaobo to 11 years as well as, for example, the cases of Liu Xia, Chen Guangcheng, Gao Zhisheng, Liu Xianbin, Hu Jia, Tang Jitian, Jiang Tianyong, Teng Biao, Liu Shihui, Tang Jingling, Li Tiantian, Ran Yunfei, Ding Mao and Chen Wei, noting also with concern the repressive conditions under which their spouses and families are living - and report back on those cases to the European Parliament after the upcoming high-level political dialogue between the EU and China, which the VP/HR will participate in;
6. Notes that China's human rights record remains a matter for serious concern; emphasises the need to make a comprehensive assessment of the EU-China human rights dialogue, including the EU-China legal seminar on human rights, in order to judge the methodology applied and the progress achieved;
7. Calls on its Delegation for Relations with the People's Republic of China to raise and thoroughly address the question of human rights violations with regard, in particular, to the cases listed in this resolution at the next inter-parliamentary meeting;
8. Calls on the VP/HR to rethink that dialogue in order to make it effective and result-oriented, and to take all necessary steps for the swift organisation of the next human rights dialogue, in the course of which those cases and other human rights violations referred to in the European Parliament's resolutions will be raised;
9. Recalls that China has been under a single party since 1949, and in this context of recent political development, and in view of the deteriorating human rights situation in China, states that political parties in the EU should reconsider their relationships;
10. Takes the view that the development of EU-China relations must go hand in hand with the development of a genuine, fruitful and effective political dialogue and that respect for human rights should be an integral part of the new framework agreement which is now being negotiated with China;
11. Instructs its President to forward this resolution to the VP/HR, the President-in-Office of the Council of the European Union, the Commission, and the President, Prime Minister and People's National Assembly of the People's Republic of China.

Ban on the elections for the Tibetan government in exile in Nepal

P7_TA(2011)0158

European Parliament resolution of 7 April 2011 on the ban of the elections for the Tibetan government in exile in Nepal

(2012/C 296 E/21)

The European Parliament,

- having regard to its resolution of 17 June 2010 on Nepal ⁽¹⁾ and its resolution of 26 October 2006 on Tibet ⁽²⁾,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966,

⁽¹⁾ Texts adopted, P7_TA(2010)0245.

⁽²⁾ OJ C 313 E, 20.12.2006, p. 463.

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- having regard to the statement of 29 May 2010 by UN Secretary-General Ban Ki-moon on the political situation in Nepal,

- having regard to Rule 122(5) of its Rules of Procedure,

- A. whereas the occupation of Tibet by the People's Republic of China prevents the Tibetans from electing their representatives in the territory of Tibet democratically,

- B. whereas more than 82 000 exiled Tibetans across the world were invited to vote on 20 March 2011 to elect the new Kalon Tripa (Prime Minister) of the Tibetan government in exile,

- C. whereas several thousand Tibetans in Nepal did not get permission to vote from the Nepalese authorities in Kathmandu, under increasing pressure from the Chinese Government,

- D. whereas already during an earlier round of voting in Nepal on 3 October 2010, Kathmandu police confiscated ballot boxes and shut down the Tibetan community voting sites,

- E. whereas on 10 March 2011 the Dalai Lama announced that he would formally relinquish his political leadership role in the Tibetan exile government which is based in Dharamsala, India, in order to strengthen the democratic structure of the Tibetan movement on the eve of elections to choose a new generation of Tibetan political leaders,

- F. whereas the Government of Nepal has claimed that demonstrations by Tibetans violate its 'One China' policy, has reiterated its commitment not to allow 'anti-Beijing activities' on its soil and has thus imposed a blanket ban on the movement of groups of Tibetans in an attempt to appease the Chinese authorities,

- G. whereas the Nepali authorities, particularly the police, have repeatedly been reported as violating basic human rights such as freedom of expression, assembly and association of Tibetans in exile in Nepal; whereas these rights are guaranteed for all persons in Nepal by international human rights conventions to which Nepal is party, including the International Covenant on Civil and Political Rights,

- H. whereas the overall situation of many refugees in Nepal, in particular the Tibetans, gives cause for concern,

- I. whereas the EU reaffirmed its commitment to support democratic and participatory governance in the EU's external relations by the adoption of its Council conclusions on Democracy Support in the EU's External Relations on 17 November 2009,
 - 1. Underlines the right to participate in democratic elections as a fundamental right of all citizens that must be upheld, protected and guaranteed in every democratic state;

 - 2. Calls on the Government of Nepal to uphold the democratic rights of the Tibetan people, who are conducting a unique internal election process which has existed since 1960, to organise and to participate in democratic elections;

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3. Emphasises the importance of peaceful democratic elections to the strengthening and preservation of the Tibetan identity both inside and outside the territory of Tibet;
4. Urges the Nepali authorities to respect the rights of Tibetans in Nepal to freedom of expression, assembly and association as guaranteed for all persons in Nepal by international human rights conventions to which Nepal is a party;
5. Calls on the authorities to refrain from preventive arrests and restrictions on demonstrations and freedom of speech that deny the right to legitimate peaceful expression and assembly during all activities undertaken by the Tibetan community in the country and urges the Government of Nepal to include such rights and to ensure religious freedom within Nepal's new constitution, due to be enacted by 28 May 2011;
6. Calls on the Nepalese authorities to abide by their international human rights obligations and their own domestic laws in their treatment of the Tibetan community and urges the government to resist the strong pressure exerted by the Chinese Government to silence the Tibetan community in Nepal using restrictions which are not only unjustified but also illegal under domestic and international law;
7. Considers that the continuation of the full implementation of the 'Gentlemen's Agreement' on the Tibetan refugees by the Nepali authorities is essential for maintaining contact between the UNHCR and Tibetan communities;
8. Calls on the European External Action Service through its delegation in Kathmandu to closely monitor the political situation in Nepal, especially the treatment of the Tibetan refugees and respect for their constitutionally and internationally enshrined rights, and urges the EU High Representative to address the concerns about the actions taken by the Nepalese Government to block the Tibetan elections, with the Nepalese and Chinese authorities;
9. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Government of Nepal and the Secretary-General of the United Nations.

Zimbabwe

P7_TA(2011)0159

European Parliament resolution of 7 April 2011 on Zimbabwe

(2012/C 296 E/22)

The European Parliament,

- having regard to its numerous previous resolutions on Zimbabwe, most recently that of 21 October 2010 on forced evictions in Zimbabwe ⁽¹⁾,
- having regard to Council Decision 2011/101/CFSP ⁽²⁾ of 15 February 2011 renewing until 20 February 2012 the restrictive measures against Zimbabwe imposed under Common Position 2004/161/CFSP ⁽³⁾, and to Commission Regulation (EC) No 1226/2008 ⁽⁴⁾ of 8 December 2008 amending Council Regulation (EC) No 314/2004 concerning certain restrictive measures in respect of Zimbabwe,

⁽¹⁾ Texts adopted, P7_TA(2010)0388.

⁽²⁾ OJ L 42, 16.2.2011, p. 6.

⁽³⁾ OJ L 50, 20.2.2004, p. 66.

⁽⁴⁾ OJ L 331, 10.12.2008, p. 11.

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- having regard to the Declaration on Zimbabwe made by the High Representative on behalf of the European Union on 15 February 2011,
 - having regard to the Livingstone Communiqué of 31 March 2011 of the Southern African Development Community (SADC) Summit of the Organ Troika on Politics, Defence and Security Cooperation,
 - having regard to the Global Political Agreement (GPA) that created the Zimbabwean Government of National Unity (GNU) in February 2009,
 - having regard to the African Charter of Human and Peoples' Rights, which Zimbabwe has ratified,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas there has been a marked increase in intimidation, arbitrary arrests, and disappearances of political opponents of Zanu-PF over the last few months, with many MDC members, several MDC MPs, and key members of the MDC leadership, such as Energy Minister Elton Mangoma, co-Home Affairs Minister Theresa Makone and ousted Speaker of the Zimbabwean Parliament Lovemore Moyo, being targeted,
- B. whereas Zimbabwe's Prime Minister, Morgan Tsvangirai, has himself confirmed that President Robert Mugabe and the Zanu-PF party have failed to live up to the terms of the 2009 GPA and that they are violently intimidating MDC-T and MDC-M members of the GNU,
- C. whereas in the past two years the GNU has struggled to bring stability to the country and has failed to pave the way for a democratic transition through credible elections, due to deliberate Zanu-PF obstruction; whereas the already appalling political, economic and humanitarian situation in Zimbabwe has considerably deteriorated since December 2010,
- D. whereas the Zimbabwean security services recently raided the offices of several NGOs (Human Rights NGO Forum, Crisis in Zimbabwe Coalition) as well as the MDC's headquarters, seized NGO documentation and arbitrarily detained NGO and MDC party staff for questioning, only to release the detainees without charge,
- E. whereas Jenni Williams and Magdonga Mahlangu, two leaders of the civil society organisation Women of Zimbabwe Arise (WOZA), as well as Abel Chikomo, director of the Zimbabwe Human Rights NGO Forum, and other human rights defenders, have faced systematic police harassment,
- F. whereas on 19 February 2011, 46 civil society activists were arrested by the security services on charges of treason for organising a public viewing of a video showing the recent popular uprisings in North Africa and the Middle East; whereas, while they were in custody, some of these activists were beaten, tortured and kept in solitary confinement,
- G. whereas the MDC's right to hold political rallies has been curtailed by the Zimbabwean security services, whilst Zanu-PF remains free to hold political rallies, which is in direct contravention of the Zimbabwean Constitution,
- H. whereas Zanu-PF is currently engaged in a violent national campaign to force Zimbabwean citizens to sign a petition calling for the withdrawal of international restrictive measures in place against key members of the Mugabe clique; notes that those who have refused to sign the petition have been brutally beaten or arrested,

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- I. whereas the EU's 'restrictive measures' are specifically targeted against 163 key members of the exploitative Mugabe regime and those that have helped sustain it and do not impact on the people of Zimbabwe more widely, or the Zimbabwean economy,
 - J. whereas the EU, the USA, Australia and Canada continue to share concerns about the human rights situation in the Chiadzwa (Marange) diamond fields, in particular relating to human rights abuses by members of the Zimbabwean security services, and are accordingly reluctant to grant Kimberley Process certification to Chiadzwa-mined diamonds,
 - K. whereas Zimbabwe remains impoverished after years of economic mismanagement by the Mugabe regime and continues to receive extensive humanitarian and other aid, both from the EU and from the UK, the Netherlands, Germany, France, and Denmark, as well as the USA, Australia and Norway, all of which provides for the most basic needs of a large proportion of the Zimbabwean population,
 - L. whereas Zimbabwe's Prime Minister has urged the EU not to accept the credentials of Margaret Muchada, Zimbabwe's Ambassador-designate to the EU, as her unilateral nomination by President Mugabe violates the Zimbabwean Constitution and the terms of the GPA,
1. Demands an immediate end to all politically motivated harassment, arrests and violence by the Zimbabwean state security services and militias either directly controlled by, or loyal to, Mugabe and the Zanu-PF party; stresses that those responsible for such abuses and violations must be held accountable;
 2. Insists that the Zimbabwean people should be given freedom of expression and of assembly, that all intimidation of politicians and civil society activists (in particular human rights activists) should cease, and that every elected representative, irrespective of political persuasion, as well as NGOs, political activists, the press and ordinary citizens should be able freely to express their opinions without fear of violent persecution, arbitrary imprisonment or torture;
 3. Calls for the immediate and unconditional release of all those arbitrarily arrested, in particular MDC officials and followers; condemns all conditions of arrest and detention contrary to international human rights conventions;
 4. Urges the Council, Commission and Member States to actively engage with the AU and the SADC, in particular South Africa, so as to ensure that intimidation and violence do not take place in connection with future elections in Zimbabwe; is of the view, however, that an early election would not resolve outstanding political and economic reform issues; considers that any elections must be based on international norms, including respect for human rights, freedom of expression and movement, with an immediate end to harassment and detention of individuals based on their political views;
 5. Welcomes the SADC Troika's Livingstone Communiqué of 31 March 2011 and urges the SADC to take a lead in ensuring that the communiqué's recommendations are fully implemented by all parties in Zimbabwe, with a view to holding free and fair elections in the country;
 6. Calls on all Zimbabwe's political parties to reach an agreement on a roadmap towards holding free and fair internationally monitored elections in Zimbabwe;
 7. Urges all of Zimbabwe's political parties to fully re-engage with the ongoing constitutional reform process, with a view to having a new Zimbabwean Constitution, acceptable to the people of Zimbabwe, in place prior to the next elections;

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8. Welcomes the recent renewal (in February 2011) of the EU's list of banned individuals and entities with links to the Mugabe regime; emphasises that these restrictive measures are aimed solely at the Zimbabwean kleptocracy and will in no way impact on the Zimbabwean people as a whole;
 9. Urges the EU to keep its restrictive measures against individuals and entities with links to the Mugabe regime in place until there is real evidence of change for the better in Zimbabwe; calls on the Council and Commission and the Member States to take steps to explain this reality in Zimbabwe and internationally and to be more active in winning support for a rapid change to real democracy and economic progress in the country;
 10. Calls on the EU to refuse to accept any Zimbabwean Ambassador to the EU who is not nominated on the basis of due constitutional process and in compliance with the GPA;
 11. Insists that the Zimbabwean authorities should honour their Kimberley Process obligations, fully demilitarise the Marange diamond fields and introduce transparency as regards the proceeds of diamond production;
 12. Applauds the EU and those Member States and other countries that continue to provide funding in direct support of the Zimbabwean people; emphasising the need to ensure that such support continues to be channelled through *bona fide* NGOs, is well targeted and properly accounted for, avoiding government agencies;
 13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the governments of the G8 countries, the governments and parliaments of Zimbabwe and South Africa, the Secretary-General of the Commonwealth, the Secretary-General of the United Nations, the Chairmen of the Commission and Executive Council of the African Union, the Pan-African Parliament, the Secretary-General and governments of the SADC and the SADC Parliamentary Forum.
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III

(Preparatory acts)

EUROPEAN PARLIAMENT

Mobilisation of the European Globalisation Adjustment Fund: Poland - Podkarpackie - Manufacture of machinery

P7_TA(2011)0120

European Parliament resolution of 5 April 2011 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2010/013 PL/Podkarpackie machinery from Poland) (COM(2011)0062 – C7-0056/2011 – 2011/2045(BUD))

(2012/C 296 E/23)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2011)0062– C7-0056/2011),
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular point 28 thereof,
 - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾ (EGF Regulation),
 - having regard to the letter of the Committee on Employment and Social Affairs,
 - having regard to the report of the Committee on Budgets (A7-0059/2011),
- A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who are suffering from the consequences of major structural changes in world trade patterns and to assist their reintegration into the labour market,
- B. whereas the scope of the EGF was temporarily broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis,
- C. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard for the IIA of 17 May 2006 in respect of the adoption of decisions to mobilise the EGF,

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

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- D. whereas Poland has requested assistance in respect of cases concerning 594 redundancies (of which 200 have been targeted for assistance) in three enterprises operating in the NACE Revision 2 Division 28 (Manufacture of machinery and equipment) in the NUTS II region of Podkarpackie in Poland,
- E. whereas the application fulfils the eligibility criteria set up by the EGF Regulation,
1. Requests the institutions involved to make the necessary efforts to accelerate the mobilisation of the EGF; appreciates in this regard the improved procedure put in place by the Commission, following Parliament's request to accelerate the release of grants, aimed at presenting to the budgetary authority the Commission's assessment on the eligibility of an EGF application together with the proposal to mobilise the EGF; hopes that further improvements in the procedure will be made in the framework of the upcoming reviews of the EGF;
 2. Recalls the institutions' commitment to ensuring a smooth and rapid procedure for the adoption of the decisions on the mobilisation of the EGF, providing one-off, time-limited individual support geared to helping workers who have been made redundant as a result of globalisation and the financial and economic crisis; points out the role that the EGF can play in the reintegration of workers made redundant into the labour market; however, calls for an evaluation of the long-term integration of these workers into the labour market as a direct result of the EGF-funded measures;
 3. Stresses that, in accordance with Article 6 of the EGF Regulation, it should be ensured that the EGF supports the reintegration of individual redundant workers into employment; reiterates that assistance from the EGF must not replace actions which are the responsibility of companies by virtue of national law or collective agreements, nor measures restructuring companies or sectors;
 4. Notes that the information provided on the coordinated package of personalised services to be funded from the EGF includes information on the complementarity with actions funded by the Structural Funds; reiterates its call to the Commission to present a comparative evaluation of these data in its annual reports as well;
 5. Welcomes the fact that, following repeated requests from Parliament, for the first time the 2011 budget shows payment appropriations (of EUR 47 608 950) on the EGF budget line 04 05 01; recalls that the EGF was created as a separate specific instrument with its own objectives and deadlines and that it therefore deserves a dedicated allocation, which will avoid transfers from other budget lines, as has happened in the past, which could be detrimental to the achievement of the various policies objectives;
 6. Approves the decision annexed to this resolution;
 7. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the *Official Journal of the European Union*;
 8. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.
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ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2010/013 PL/Podkarpackie – manufacture of machinery)

(The text of this annex is not reproduced here since it corresponds to the final act, Decision 2011/249/EU.)

Mobilisation of the European Globalisation Adjustment Fund: Czech Republic – UNILEVER

P7_TA(2011)0124

European Parliament resolution of 5 April 2011 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2010/010 CZ/Unilever from the Czech Republic) (COM(2011)0061 – C7-0055/2011 – 2011/2044(BUD))

(2012/C 296 E/24)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2011)0061– C7-0055/2011),
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular point 28 thereof,
 - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾ (EGF Regulation),
 - having regard to the letter of the Committee on Employment and Social Affairs,
 - having regard to the report of the Committee on Budgets (A7-0060/2011),
- A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who are suffering from the consequences of major structural changes in world trade patterns and to assist their reintegration into the labour market,
- B. whereas the scope of the EGF was temporarily broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis,

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

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- C. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard for the IIA of 17 May 2006 in respect of the adoption of decisions to mobilise the EGF,
- D. whereas the Czech Republic has requested assistance in respect of cases concerning 634 redundancies (all targeted for assistance) in the enterprise Unilever ČR, spol.sr.o, operating in the retail sector in the NUTS II region of Střední Čechy,
- E. whereas the application fulfils the eligibility criteria set up by the EGF Regulation,
1. Requests the institutions involved to make the necessary efforts to accelerate the mobilisation of the EGF; appreciates in this regard the improved procedure put in place by the Commission, following Parliament's request to accelerate the release of grants, aimed at presenting to the budgetary authority the Commission's assessment on the eligibility of an EGF application together with the proposal to mobilise the EGF; hopes that further improvements in the procedure will be made in the framework of the upcoming reviews of the EGF;
 2. Recalls the institutions' commitment to ensuring a smooth and rapid procedure for the adoption of the decisions on the mobilisation of the EGF, providing one-off, time-limited individual support geared to helping workers who have been made redundant as a result of globalisation and the financial and economic crisis; points out the role that the EGF can play in the reintegration of workers made redundant into the labour market; however, calls for an evaluation of the long-term integration of these workers into the labour market as a direct result of the EGF-funded measures;
 3. Stresses that, in accordance with Article 6 of the EGF Regulation, it should be ensured that the EGF supports the reintegration of individual redundant workers into employment; reiterates that assistance from the EGF must not replace actions which are the responsibility of companies by virtue of national law or collective agreements, nor measures restructuring companies or sectors;
 4. Regrets that the EGF Regulation as it stands does not require an investigation into the financial health, possible tax evasion or state aid situation of multinational companies whose restructuring justifies the intervention of the EGF; believes that this ought to be addressed in the forthcoming revision of the EGF Regulation without compromising redundant workers' access to the EGF;
 5. Notes that the information provided on the coordinated package of personalised services to be funded from the EGF includes information on the complementarity with actions funded by the Structural Funds; reiterates its call to the Commission to present a comparative evaluation of these data in its annual reports as well;
 6. Welcomes the fact that, following repeated requests from Parliament, for the first time the 2011 budget shows payment appropriations (of EUR 47 608 950) on the EGF budget line 04 05 01; recalls that the EGF was created as a separate specific instrument with its own objectives and deadlines and that it therefore deserves a dedicated allocation, which will avoid transfers from other budget lines, as has happened in the past, which could be detrimental to the achievement of the various policies objectives;
 7. Approves the decision annexed to this resolution;
 8. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the *Official Journal of the European Union*;
 9. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.
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ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2010/010 CZ/Unilever from the Czech Republic)

(The text of this annex is not reproduced here since it corresponds to the final act, Decision 2011/233/EU.)

Dual-use items and technology ***I

P7_TA(2011)0125

European Parliament amendments adopted on 5 April 2011 to the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology (COM(2008)0854 – C7-0062/2010 – 2008/0249(COD))

(2012/C 296 E/25)

(Ordinary legislative procedure: first reading)

The proposal was amended as follows ⁽¹⁾:

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 1

Proposal for a regulation – amending act
Title

Council Regulation amending **Regulation (EC) No 1334/2000** setting up a Community regime for the control of exports of dual-use items **and technology**

Regulation **of the European Parliament and of the Council** amending **Council Regulation (EC) No 428/2009** setting up a Community regime for the control of exports, **transfer, brokering and transit** of dual use items (**recast**)

Amendment 2

Proposal for a regulation – amending act
Recital 1

(1) Council Regulation (EC) No 1334/2000 of 22 June 2000 **setting up a Community regime for the control of exports of dual-use items and technology** requires dual-use items (including software and technology) to be subject to effective control when they are exported from **the Community**.

(1) Council Regulation (EC) No 1334/2000 of 22 June 2000, **as amended by Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual use items ⁽¹⁾** requires dual-use items (including software and technology) to be subject to effective control when they are exported from **or transit through the Union, or are delivered to a third country as a result of brokering services provided by a broker resident or established in the Union**.

⁽¹⁾ OJ L 134, 29.5.2009, p. 1.

⁽¹⁾ The matter was then referred back to committee pursuant to Rule 57(2), second subparagraph (A7-0028/2011).

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 3**Proposal for a regulation – amending act****Recital 2**

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| <p>(2) It is desirable to achieve uniform and consistent application of controls throughout the Community in order to avoid unfair competition among Community exporters and ensure efficiency of the security controls in the Community.</p> | <p>(2) It is desirable to achieve uniform and consistent application of controls throughout the Union in order to avoid unfair competition among Union exporters, <i>harmonise the scope of general export authorisations and the conditions of their use</i> and ensure efficiency of the security controls in the Union.</p> |
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Amendment 4**Proposal for a regulation – amending act****Recital 3**

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| <p>(3) In its Communication of 18 December 2006, the Commission put forward the idea of the creation of new Community General Export Authorisations in a bid to simplify the current legal system, enhance the industry's competitiveness and establish a level playing field for all Community exporters when they export certain items to certain <i>destinations</i>.</p> | <p>(3) In its Communication of 18 December 2006, the Commission put forward the idea of the creation of new Union General Export Authorisations in a bid to simplify the current legal system, enhance the industry's competitiveness and establish a level playing field for all Union exporters when they export certain items to certain <i>countries of destination</i>.</p> |
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Amendment 5**Proposal for a regulation – amending act****Recital 3 a (new)**

- (3a) *On 5 May 2009, the Council adopted Regulation (EC) No 428/2009. Accordingly, Regulation (EC) No 1334/2000 was repealed with effect from 27 August 2009. The relevant provisions of Regulation (EC) No 1334/2000 continue to apply only for export authorisation applications made before 27 August 2009.*

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

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| <p>(4) In order to create new Community General Export Authorisations for certain <i>non-sensitive</i> dual-use items to certain <i>non-sensitive</i> countries, the relevant provisions of Regulation (EC) No 1334/2000 need to be amended by the addition of new Annexes.</p> | <p>(4) In order to create new Union General Export Authorisations for certain <i>specific</i> dual-use items to certain <i>specific</i> countries, the relevant provisions of Regulation (EC) No 428/2009 need to be amended by the addition of new Annexes.</p> |
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Amendment 7**Proposal for a regulation – amending act****Recital 5**

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| <p>(5) The competent authorities of the Member State where the exporter is established should be provided with the possibility of not permitting the use of the Community General Export Authorisations foreseen in this Regulation where the exporter has been sanctioned of an export-related offence punishable by the withdrawal of the right to use these authorisations.</p> | <p>(5) The competent authorities of the Member State where the exporter is established should be provided with the possibility of not permitting the use of the Union General Export Authorisations foreseen in this Regulation where the exporter has been sanctioned because of an export-related offence punishable by the withdrawal of the right to use these authorisations.</p> |
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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 9**Proposal for a regulation – amending act
Recital 6**

- (6) **Regulation (EC) No 1334/2000** should therefore be amended accordingly.
- (6) **Regulation (EC) No 428/2009** should therefore be amended accordingly.

Amendment 10**Proposal for a regulation – amending act**

Article 1 – point 2 a (new)
Regulation (EC) No 428/2009
Article 13 – paragraph 6

- (2a) *In Article 13, paragraph 6 is replaced by the following:*

‘6. All notifications required under this Article will be made via secure electronic means including [...] a secure system that shall be set up in accordance with Article 19(4).’

Amendment 11**Proposal for a regulation – amending act**

Article 1 – point 2 b (new)
Regulation (EC) No 428/2009
Article 19 – paragraph 4

- (2b) *In Article 19, paragraph 4 is replaced by the following:*

‘4. A secure and encrypted system for the exchange of information among Member States and whenever appropriate the Commission shall be set up by the Commission, in consultation with the Dual-Use Coordination Group set up under Article 23. The European Parliament shall be informed about the system’s budget, development, provisional and final set-up and functioning, and network costs.’

Amendment 12**Proposal for a regulation – amending act**

Article 1 – point 2 c (new)
Regulation (EC) No 428/2009
Article 23 - paragraph 2 a (new)

- (2c) *In Article 23, a new paragraph is added after paragraph 2:*

‘2a. The Chair of the Dual-Use Coordination Group shall submit an annual report to the European Parliament on its activities, questions examined and consultations as well as a list of exporters, brokers and stakeholders that have been consulted.’

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AMENDMENT

Amendment 13**Proposal for a regulation – amending act****Article 1 – point 2 d (new)**

Regulation (EC) No 428/2009

Article 25

(2d) *Article 25 is replaced by the following:*

‘Article 25

Review and reporting

1. Each Member State shall inform the Commission of the laws, regulations and administrative provisions adopted in implementation of this Regulation, including the measures referred to in Article 24. The Commission shall forward the information to the other Member States.

2. Every three years the Commission shall review the implementation of this Regulation and present a comprehensive implementation and impact assessment report to the European Parliament and the Council on its application, which may include proposals for its amendment. Member States shall provide to the Commission all appropriate information for the preparation of the report.

3. Special sections of the report shall deal with:

(a) the Dual-Use Coordination Group and cover its activities, questions examined and consultations as well as a list of exporters, brokers and stakeholders that have been consulted;

(b) the implementation of Article 19(4), and shall contain a report on the stage reached in the set-up of the secure and encrypted system for the exchange of information among Member States and the Commission;

(c) the implementation of Article 15(1), which provides for Annex I to be updated in conformity with the relevant obligations and commitments, and any modification thereof, that Member States have accepted as members of the international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties, including the Australia Group, the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG), the Wassenaar Arrangement and the Chemical Weapons Convention (CWC);

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

(d) the implementation of Article 15(2), which provides for Annex IV, as a subset of Annex I, to be updated with regard to Article 36 of the Treaty on the Functioning of the European Union, namely the public policy and public security interests of the Member States.

A further special section of the report shall provide comprehensive evidence on penalties, including criminal penalties for serious infringements of the provisions of this Regulation, such as intentional exports intended for use in a programme for the development or manufacture of chemical, biological, nuclear weapons or of missiles capable of their delivery without the authorisation required under this Regulation, or the falsification or omission of information with a view to obtaining an authorisation that would otherwise have been denied.

4. The European Parliament or the Council may invite the Commission to an ad hoc meeting of the competent committee of Parliament or of the Council to present and explain any issues related to the application of this Regulation.'

Amendment 14

Proposal for a regulation – amending act

Article 1 – point 2 e (new)

Regulation (EC) No 428/2009

Article 25 a (new)

(2e) The following article is inserted:

'Article 25a

International cooperation

Without prejudice to the provisions on mutual administrative assistance agreements or protocols in customs matters concluded between the Union and third countries, the Commission may negotiate with third countries agreements providing for the mutual recognition of export controls of dual-use items covered by this Regulation, in particular to eliminate authorisation requirements for re-exports within the territory of the Union. Those negotiations shall be conducted in accordance with the procedures established by Article 207(3) of the Treaty on the Functioning of the European Union and the relevant provisions of the Treaty establishing the European Atomic Energy Community, as appropriate.

When appropriate and when projects financed by the Union are at stake, the Commission can make proposals, in accordance with the relevant legislative frameworks of the Union or in the arrangements with third countries, so that an ad hoc committee involving all competent authorities of the Member States can be set

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

up and be entitled to decide on the granting of the necessary export authorisations to ensure the proper functioning of those projects involving dual-use items or technologies.'

Amendment 15

Proposal for a regulation – amending act

Annex

Regulation (EC) No 428/2009

Annex IIb - Part 3 – paragraph 5

5. For the purposes of this authorisation, 'a low-value shipment' means items which are comprised in a single export **order** and are dispatched by an exporter to a named consignee in one or more consignments the aggregate value of which does not exceed **EUR 5 000**. For this purpose, 'value' means the price billed to the consignee; if there is no consignee or determinable price, it is the statistical value.

5. For the purpose of this authorisation, 'a low-value shipment' means items which are comprised in a single export **contract** and are dispatched by an exporter to a named consignee in one or more consignments the aggregate value of which does not exceed **EUR 3 000**. **If a transaction or act proves to be part of an integral economic operation, the value of the whole operation shall be considered when calculating the value of this authorisation.** For this purpose, 'value' means the price billed to the consignee; if there is no consignee or determinable price, it is the statistical value. **For the calculation of the statistical value, Articles 28 to 36 of Regulation (EEC) No 2913/92 shall apply. If the value cannot be determined, the authorisation shall not be granted.**

Additional costs such as packaging and transport costs may be excluded from the calculation of the value only if:

- (a) they are reported separately on the bill; and**
- (b) they do not contain any additional factors which influence the value of the good.**

Amendment 16

Proposal for a regulation – amending act

Annex

Regulation (EC) No 428/2009

Annex IIb -Part 3 – paragraph 5 a (new)

5a. The amount in euro as laid down in Article 5 shall be reviewed annually starting on 31 October 2012, in order to take account of changes in the Harmonised Indices of Consumer Prices of all Member States as published by the European Commission (Eurostat). That amount shall be adapted automatically, by increasing the base amount in euro by the percentage change in that index over the period between 31 December 2010 and the review date.

The Commission shall inform the European Parliament and the Council annually of the review and the adapted amount referred to in paragraph 1.

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AMENDMENT

Amendment 17**Proposal for a regulation – amending act****Annex**

Regulation (EC) No 428/2009

Annex IIc- Part 1 – Items

1-1) This is general export authorisation in accordance with **Article 6(1)** and covers the following items:

All dual-use items specified in any entry in Annex I except those listed in paragraph 1-2 below:

- a. where the items were **imported** into the **European Community** territory for the purpose of maintenance **or** repair, and are exported to the country of consignment without any changes to their original characteristics, or
- b. where the items are exported to the country of consignment in exchange for items of the same quality and number which were re-imported into the **European Community territory** for repair or replacement **under warranty**.

1-1) This general export authorisation is in accordance with **Article 9(1)** and covers the following items:

All dual-use items specified in any entry in Annex I except those listed in paragraph 1-2 below:

- a. where the items were **re-imported** into the **customs territory of the Union** for the purpose of maintenance, repair **or replacement**, and are exported **or re-exported** to the country of consignment without any changes to their original characteristics **within a period of five years from the date when the original export authorisation was granted**, or
- b. where the items are exported to the country of consignment in exchange for items of the same quality and number which were re-imported into the **customs territory of the Union** for **maintenance**, repair or replacement **within a period of five years from the date when the original export authorisation was granted**.

Amendment 18**Proposal for a regulation – amending act****Annex**

Regulation (EC) No 428/2009

Annex IIc -Part 2 – Countries of destination

Algeria, Andorra, Antigua and Barbuda, Argentina, Aruba, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, British Virgin Islands, Brunei, Cameroon, Cape Verde, Chile, China, Comoros Islands, Costa Rica, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Falkland Islands, Faroe islands, Fiji, French Guyana, French OT, Gabon, Gambia, Gibraltar, Greenland, Grenada, Guadeloupe, Guam, Guatemala, Ghana, Guinea Bissau, Guyana, Honduras, Hong Kong Special Administrative Region, Iceland, India, Indonesia, Israel, Jordan, Kuwait, Lesotho, Liechtenstein, Macau, Madagascar, Malawi, Malaysia, Maldives, Mali, Martinique, Mauritius, Mexico, Monaco, Montserrat, Morocco, Namibia, Netherlands Antilles, New Caledonia, Nicaragua, Niger, Nigeria, Oman, Panama, Papua New Guinea, Peru, Philippines, Puerto Rico, Qatar, Russia, Samoa, San Marino, Sao Tome e Principe, Saudi Arabia, Senegal, Seychelles, Singapore, Solomon Islands, South Africa, South Korea, Sri Lanka, St. Helena, St. Kitts and Nevis, St. Vincent, Surinam, Swaziland, Taiwan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turks and Caicos Islands, United Arab Emirates, Uruguay, US Virgin Islands, Vanuatu, Venezuela.

Albania, Argentina, Bosnia and Herzegovina, Brazil, Chile, China (including Hong Kong and Macao), Croatia, Former Yugoslav Republic of Macedonia, French Overseas Territories, Iceland, India, Israel, Kazakhstan, Mexico, Montenegro, Morocco, Russia, Serbia, Singapore, South Africa, South Korea, Tunisia, Turkey, Ukraine, United Arab Emirates.

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Amendment 19**Proposal for a regulation – amending act****Annex**Regulation (EC) No 428/2009
Annex IIc -Part 3 – paragraph 1

1. This **general** authorisation can only be used when the initial export has taken place under a **Community** General Export Authorisation or an initial export authorisation has been granted by the competent authorities of the Member State where the original exporter was established for the export of the items which have subsequently been re-imported into the **Community Custom** territory for the purposes of repair or replacement **under warranty, as defined below**.

1. This authorisation can only be used when the initial export has taken place under a **Union** General Export Authorisation or an initial export authorisation has been granted by the competent authorities of the Member State where the original exporter was established for the export of the items which have subsequently been re-imported into the **customs territory of the Union** for the purposes of **maintenance**, repair or replacement. **This general authorisation is valid only for exports to the original end-user.**

Amendment 20**Proposal for a regulation – amending act****Annex**Regulation (EC) No 428/2009
Annex IIc -Part 3 – paragraph 2 – point 4

(4) **for an essentially identical transaction where** the initial authorisation has been revoked.

(4) **when** the initial authorisation has been **annulled, suspended, modified, or** revoked.

Amendment 21**Proposal for a regulation – amending act****Annex**Regulation (EC) No 428/2009
Annex IIc -Part 3 – paragraph 2 – point 4 a (new)

(4a) **when the end use of the items in question is different from that specified in the original export authorisation.**

Amendment 22**Proposal for a regulation – amending act****Annex**Regulation (EC) No 428/2009
Annex IIc -Part 3 – paragraph 3 – point 2

(2) provide customs officers, if so requested, with documentary evidence of the date of importation of the goods into the **European Community**, of any repairs to the goods carried out in the **European Community** and of the fact that the items are being returned to the **person** and the country from which they were imported into the **European Community**.

(2) provide customs officers, if so requested, with documentary evidence of the date of importation of the goods into the **Union**, of any repairs to the goods carried out in the **Union** and of the fact that the items are being returned to the **end user** and the country from which they were imported into the **Union**.

Amendment 48**Proposal for a regulation – amending act****Annex**Regulation (EC) No 428/2009
Annex IIc - Part 3 – paragraph 4

4. Any exporter who uses this authorisation must notify the competent authorities of the Member State where he is established (as defined in Article 6(6)) of first use of **the** authorisation no later than 30 days after the date when the first export takes place.

4. Any exporter who uses this authorisation must notify the competent authorities of the Member State where he is established (as defined in Article 6(6)) of **the** first use of **this** authorisation no later than 30 days after the date when the first export takes place **or, alternatively, and in accordance with a requirement by the authority of the Member State where the**

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exporter is established, prior to the first use of this General Export Authorisation. Member States shall notify the Commission of the notification mechanism chosen for this General Export Authorisation. The Commission shall publish the information notified to it in the C series of the Official Journal of the European Union.

Reporting requirements attached to the use of that authorisation and additional information that the Member State from which the export is made may require on items exported under that authorisation are defined by Member States.

A Member State may require the exporter established in that Member State to register prior to the first use of that authorisation. Registration shall be automatic and acknowledged by the competent authorities to the exporter without delay and in any case within 10 working days of receipt of the registration request.

Where applicable the requirements set out in the second and third subparagraphs shall be based on those defined for the use of national general export authorisations granted by those Member States which provide for such authorisations.

Amendment 24

Proposal for a regulation – amending act

Annex

Regulation (EC) No 428/2009

Annex IId - Part 2 – Countries of Destination

Argentina, **Bahrain**, **Bolivia**, Brazil, **Brunei**, Chile, China, **Ecuador**, **Egypt**, **Hong Kong Special Administrative Region**, Iceland, **Jordan**, **Kuwait**, **Malaysia**, **Mauritius**, Mexico, Morocco, **Oman**, **Philippines**, **Qatar**, Russia, **Saudi Arabia**, Singapore, South Africa, South Korea, Tunisia, Turkey, Ukraine

Albania, Argentina, **Bosnia and Herzegovina**, Brazil, Chile, China (*including Hong Kong and Macao*), **Croatia**, **Former Yugoslav Republic of Macedonia**, **French Overseas Territories**, Iceland, **India**, **Israel**, **Kazakhstan**, Mexico, **Montenegro**, Morocco, Russia, **Serbia**, Singapore, South Africa, South Korea, Tunisia, Turkey, Ukraine, **United Arab Emirates**

Amendment 26

Proposal for a regulation – amending act

Annex

Regulation (EC) No 428/2009

Annex IId -Part 3 – paragraph 1 – point 4 a (new)

(4a) *where their return, in their original state, without the removal, copying or dissemination of any component or software, cannot be guaranteed by the exporter, or where a transfer of technology is connected with a presentation;*

Amendment 27

Proposal for a regulation – amending act

Annex

Regulation (EC) No 428/2009

Annex IId -Part 3 – paragraph 1 – point 4 b (new)

(4b) *where the relevant items are to be exported for a private presentation or demonstration (for example, in in-house showrooms);*

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Amendment 28**Proposal for a regulation – amending act****Annex**

Regulation (EC) No 428/2009

Annex IId - Part 3 – paragraph 1 – point 4 c (new)

(4c) where the relevant items are to be merged into a production process;

Amendment 29**Proposal for a regulation – amending act****Annex**

Regulation (EC) No 428/2009

Annex IId - Part 3 – paragraph 1 – point 4 d (new)

(4d) where the relevant items are to be used for their intended purpose, except to the minimum extent required for an effective demonstration and where specific test outputs are not made available to third parties;

Amendment 30**Proposal for a regulation – amending act****Annex**

Regulation (EC) No 428/2009

Annex IId - Part 3 – paragraph 1 – point 4 e (new)

(4e) where the export is to take place as a result of a commercial transaction, in particular as regards the sale, rental or lease of the relevant items;

Amendment 31**Proposal for a regulation – amending act****Annex**

Regulation (EC) No 428/2009

Annex IId - Part 3 – paragraph 1 – point 4 f (new)

(4f) where the relevant items are to be stored at an exhibition or fair only for the purpose of sale, rent or lease, without being presented or demonstrated;

Amendment 32**Proposal for a regulation – amending act****Annex**

Regulation (EC) No 428/2009

Annex IId -Part 3 – paragraph 1 – point 4 g (new)

(4g) where the exporter makes any arrangement which would prevent him from keeping the relevant items under his control during the whole period of the temporary export.

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Amendment 25**Proposal for a regulation – amending act****Annex**

Regulation (EC) No 428/2009

Annex IId -Part 3 – paragraph 1 a (new)

1a. This general authorisation authorises the export of items listed in Part 1 on condition that the export concerns temporary export for exhibitions or fairs and that the items are to be re-imported within a period of 120 days after the initial export, complete and without modification, into the customs territory of the Union.

Amendment 49**Proposal for a regulation – amending act****Annex**

Regulation (EC) No 428/2009

Annex IId - Part 3 – paragraph 3

3. Any exporter who uses this **general** authorisation must notify the competent authorities of the Member State where he is established (as defined in Article 6(6)) of the first use of this authorisation no later than 30 days after the date when the first export takes place.

*3. Any exporter who uses this authorisation must notify the competent authorities of the Member State where he is established (as defined in Article 6(6)) of the first use of this authorisation no later than 30 days after the date when the first export takes place **or, alternatively, and in accordance with a requirement by the authority of the Member State where the exporter is established, prior to the first use of this General Export Authorisation. Member States shall notify the Commission of the notification mechanism chosen for this General Export Authorisation. The Commission shall publish the information notified to it in the C series of the Official Journal of the European Union.***

Reporting requirements attached to the use of that authorisation and additional information that the Member State from which the export is made may require on items exported under that authorisation are defined by Member States.

A Member State may require the exporter established in that Member State to register prior to the first use of that authorisation. Registration shall be automatic and acknowledged by the competent authorities to the exporter without delay and in any case within 10 working days of receipt of the registration request.

Where applicable the requirements set out in the second and third subparagraphs shall be based on those defined for the use of national general export authorisations granted by those Member States which provide for such authorisations.

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TEXT PROPOSED BY THE COMMISSION

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Amendment 34**Proposal for a regulation – amending act****Annex**

Regulation (EC) No 428/2009
Annex IId -Part 3 – paragraph 4

4. For the purpose of this authorisation, 'exhibition' means *any trade or industrial exhibition, fair or similar public show or display which is not organised for private purposes in shops or business premises with a view to the sale of foreign products, during which the products remain under customs control.*

4. For the purpose of this authorisation, 'exhibition *or fair*' means *commercial events of a specific duration at which several exhibitors make demonstrations of their products to trade visitors or to the general public.*

Amendment 35**Proposal for a regulation – amending act****Annex**

Regulation (EC) No 428/2009 Annex IId

ANNEX IId

deleted

COMMUNITY GENERAL EXPORT AUTHORISATION No
EU005

Computers and related equipment

Issuing authority: European Community

Part 1

This export authorisation is in accordance with Article 6(1) and covers the following items in Annex I:

1. Digital computers specified in 4A003a or 4A003b, where the computers do not exceed an 'Adjusted Peak Performance' ('APP') greater than 0.8 Weighted TeraFLOPS (WT).
2. Electronic assemblies specified in 4A003c, specially designed or modified to enhance performance by aggregation of processors so that an 'Adjusted Peak Performance' ('APP') of the aggregation greater than 0.8 Weighted TeraFLOPS (WT) is not exceeded.
3. Spare parts, including microprocessors for the above-mentioned equipment, where they are exclusively specified in 4A003a, 4A003b or 4A003c and do not enhance performance of the equipment beyond an 'Adjusted Peak Performance' ('APP') greater than 0.8 Weighted TeraFLOPS (WT).
4. Items described in entries 3A001.a.5, 4A003.e, 4A003.g.

Part 2 — Countries of destination

The export authorisation is valid throughout the Community for exports to the following destinations:

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Algeria, Andorra, Antigua and Barbuda, Argentina, Aruba, Bahamas, Bahrain, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, British Virgin Islands, Brunei, Cameroon, Cape Verde, Chile, Comoros Islands, Costa Rica, Croatia, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Falkland Islands, Faroe islands, Fiji, French Guyana, French OT, Gabon, Gambia, Gibraltar, Greenland, Grenada, Guadeloupe, Guam, Guatemala, Ghana, Guinea Bissau, Guyana, Honduras, Hong Kong SAR, Iceland, India, Jordan, Kuwait, Lesotho, Liechtenstein, Madagascar, Malawi, Malaysia, Maldives, Mali, Martinique, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montserrat, Morocco, Namibia, Netherlands Antilles, New Caledonia, Nicaragua, Niger, Oman, Panama, Papua New Guinea, Peru, Philippines, Puerto Rico, Qatar, Russia, Samoa, San Marino, Sao Tome e Principe, Saudi Arabia, Senegal, Seychelles, Singapore, Solomon Islands, South Africa, South Korea, St. Helena, St. Kitts and Nevis, St. Vincent, Surinam, Swaziland, Togo, Trinidad and Tobago, Tunisia, Turkey, Turks and Caicos Islands, UAE, Ukraine, Uruguay, US Virgin Islands, Vanuatu.

Part 3 — Conditions and requirements for use of this authorisation

1. This authorisation does not authorise the export of items:

- (1) *where the exporter has been informed by the competent authorities of the Member State in which he is established that they are or may be intended, in their entirety or in part,*
 - (a) *for use in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons or other nuclear explosive devices or the development, production, maintenance or storage of missiles capable of delivering such weapons,*
 - (b) *for a military end-use where the purchasing country or country of destination is subject to an arms embargo imposed by a Common Position or Joint Action adopted by the Council of the European Union or a decision of the OSCE or imposed by a binding resolution of the Security Council of the United Nations, or*
 - (c) *for use as parts or components of military items listed in the national military list that have been exported from the territory of the Member State concerned without authorisation or in breach of an authorisation prescribed by the national legislation of that Member State;*
- (2) *where the exporter is aware that the items in question are intended, in their entirety or in part, for any of the uses referred to in Articles 4(1) and 4(2);*

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(3) *where the relevant items are exported to a customs-free zone or a free warehouse which is located in a destination covered by this authorisation.*

2. *Any exporter who uses this authorisation must:*

- (1) *inform the competent authorities of the Member State where he is established (as defined in Article 6(6)) of first use of the authorisation no later than 30 days after the date of first export;*
- (2) *inform the foreign purchaser, before exportation, that the items he plans to export pursuant to this authorisation cannot be re-exported to an ultimate destination in a country which is not a Member State of the European Community or a French overseas collectivity and is not mentioned in Part 2 of this authorisation.*

Amendment 36

Proposal for a regulation – amending act Annex

Regulation (EC) No 428/2009
Annex If – Part 1 – paragraphs 3 and 4

3. *Items, including specially designed or developed components and accessories therefor specified in Category 5 Part 2 A to D (Information Security), as follows:* *deleted*

(a) *items specified in the following entries unless their cryptographic functions have been designed or modified for government end-users within the European Community:*

- 5A002a1;
- *software in entry 5D002c1 having the characteristics, or performing or simulating the functions, of equipment in entry 5A002a1;*

(b) *equipment specified in 5B002 for items referred to under a);*

(c) *software as part of equipment whose features or functions are specified under b).*

4. *Technology for the use of goods specified in 3a) to 3c).*

Amendment 37

Proposal for a regulation – amending act Annex

Regulation (EC) No 428/2009
Annex If - Part 2 – Countries of destination

Argentina, Croatia, Russia, South Africa, South Korea, Turkey, Ukraine

Argentina, **China (including Hong Kong and Macao)**, Croatia, **Iceland, India, Israel**, Russia, South Africa, South Korea, Turkey, Ukraine

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Amendment 39**Proposal for a regulation – amending act****Annex**

Regulation (EC) No 428/2009

Annex If - Part 3 – paragraph 1 – point 1 – point c b (new)

- (cb) *for use in connection with a violation of human rights, democratic principles or freedom of speech as defined by the Charter of Fundamental Rights of the European Union, to which Article 6 of the Treaty on European Union refers, by using interception technologies and digital data transfer devices for monitoring mobile phones and text messages and targeted surveillance of internet use (for example through Monitoring Centres and Lawful Interception Gateways);*

Amendment 40**Proposal for a regulation – amending act****Annex**

Regulation (EC) No 428/2009

Annex If - Part 3 – paragraph 1 – point 2

- (2) where the exporter is aware that the items in question are intended, in their entirety or in part, for any of the uses referred to in **Articles 4(1) and 4(2)**.
- (2) where the exporter is aware that the items in question are intended, in their entirety or in part, for any of the uses referred to in **subparagraph 1**.

Amendment 41**Proposal for a regulation – amending act****Annex**

Regulation (EC) No 428/2009

Annex If - Part 3 – paragraph 1 – point 2 a (new)

- (2a) *where the exporter is aware that the items will be re-exported to any country of destination other than those listed in Part 2 of this authorisation, those listed in Part 2 of authorisation EU001 CGEA or the Member States.*

Amendment 50**Proposal for a regulation – amending act****Annex**

Regulation (EC) No 428/2009

Annex If - Part 3 – paragraph 3 – point 1

- (1) **inform** the competent authorities of the Member State where he is established (as defined in Article 6(6)) of first use of **the** authorisation no later than 30 days after the date of **first export**;
- (1) **notify** the competent authorities of the Member State where he is established (as defined in Article 6(6)) of **the** first use of **this** authorisation no later than 30 days after the date **when the first export takes place or, alternatively, and in accordance with a requirement by the authority of the Member State where the exporter is established, prior to the first use of this General Export Authorisation. Member States shall notify the Commission of the notification mechanism chosen for this General Export Authorisation. The Commission shall publish the information notified to it in the C series of the Official Journal of the European Union.**

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TEXT PROPOSED BY THE COMMISSION

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Reporting requirements attached to the use of this authorisation and additional information that the Member State from which the export is made may require on items exported under that authorisation are defined by Member States.

A Member State may require the exporter established in that Member State to register prior to the first use of that authorisation. Registration shall be automatic and acknowledged by the competent authorities to the exporter without delay and in any case within 10 working days of receipt of the registration request.

Where applicable the requirements set out in the second and third subparagraphs shall be based on those defined for the use of national general export authorisations granted by those Member States which provide for such authorisations.

Amendment 43

Proposal for a regulation – amending act

Annex

Regulation (EC) No 428/2009

Annex IIg – Part 2 – Countries of destination

Argentina; **Bangladesh, Belize, Benin, Bolivia, Brazil; Cameroun, Chile; Cook Island, Costa Rica; Dominica, Ecuador, El Salvador, Fiji, Georgia, Guatemala, Guyana, India, Lesotho, Maldives, Mauritius, Mexico, Namibia, Nicaragua, Oman, Panama, Paraguay, Russia, St Lucia, Seychelles, Peru, Sri Lanka, South Africa; Swaziland, Turkey; Uruguay, Ukraine; Republic of Korea.**

Argentina
Croatia
Iceland
South Korea
Turkey
Ukraine.

Amendment 44

Proposal for a regulation – amending act

Annex

Regulation (EC) No 428/2009

Annex IIg – Part 3 – paragraph 1 – point 2

(2) where ***the exporter is aware that*** the items in question are intended, in their entirety or in part, for any of the uses referred to in Articles 4(1) and 4(2).

(2) where the items in question are intended, in their entirety or in part, for any of the uses referred to in Articles 4(1) and 4(2);

Amendment 45

Proposal for a regulation – amending act

Annex

Regulation (EC) No 428/2009

Annex IIg - Part 3 – paragraph 1 – point 2 a (new)

(2a) ***where the exporter is aware that the items will be re-exported to any country of destination other than those listed in Part 2 of this authorisation, those listed in Part 2 of authorisation EU001 CGEA or to the Member States.***

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 51**Proposal for a regulation – amending act****Annex**

Regulation (EC) No 428/2009

Annex IIg - Part 3 – paragraph 4 – point 1

(1) **inform** the competent authorities of the Member State where he is established (as defined in Article 6(6)) of first use of **the** authorisation no later than 30 days after the date **of first export**;

(1) **notify** the competent authorities of the Member State where he is established (as defined in Article 6(6)) of **the** first use of **this** authorisation no later than 30 days after the date **when the first export takes place or, alternatively, and in accordance with a requirement by the authority of the Member State where the exporter is established, prior to the first use of this General Export Authorisation.** Member States shall notify the Commission of the notification mechanism chosen for this General Export Authorisation. The Commission shall publish the information notified to it in the C series of the Official Journal of the European Union.

Reporting requirements attached to the use of this authorisation and additional information that the Member State from which the export is made may require on items exported under that authorisation are defined by Member States.

A Member State may require the exporter established in that Member State to register prior to the first use of that authorisation. Registration shall be automatic and acknowledged by the competent authorities to the exporter without delay and in any case within 10 working days of receipt of the registration request.

Where applicable the requirements set out in the second and third subparagraphs shall be based on those defined for the use of national general export authorisations granted by those Member States which provide for such authorisations.

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Officially supported export credits *I**

P7_TA(2011)0126

European Parliament amendments adopted on 5 April 2011 to the proposal for a regulation of the European Parliament and of the Council on the application of certain guidelines in the field of officially supported export credits (COM(2006)0456 – C7-0050/2010 – 2006/0167(COD))

(2012/C 296 E/26)

(Ordinary legislative procedure: first reading)

The proposal was amended as follows ⁽¹⁾:

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 1**Proposal for a regulation
Recital 2 a (new)**

(2a) The Arrangement has contributed to lessening the impact of the current economic and financial crisis, through creating jobs by supporting trade and investment of companies which would otherwise not be granted credit in the private sector.

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

(2b) The export credit agencies should take into account and respect the objectives and policies of the Union. When supporting Union companies, these agencies should comply with and promote the Union's principles and standards in such areas as consolidating democracy, respect for human rights and policy coherence for development.

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

(2c) However, Member States' export credit agencies should carefully examine the applications received taking into account that the official support provided as export credit could potentially in the medium and long term contribute to their Member State's public deficit, in particular considering the increased risk of default due to the aftermath of the financial crisis.

⁽¹⁾ The matter was then referred back to committee pursuant to Rule 57(2), second subparagraph (A7-0364/2010).

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 4**Proposal for a regulation
Recital 2 d (new)**

(2d) Export credit agencies should carefully examine applications received in order to maximise the benefits of the official support provided taking into account the fact that well-targeted export credit will contribute to new market access opportunities for Union companies, especially small and medium sized enterprises (SMEs), while fostering open and fair trade and mutually beneficial growth in the aftermath of the crisis.

Amendment 5**Proposal for a regulation
Recital 2 e (new)**

(2e) The OECD requires the disclosure of information on export credits from its Members in order to prevent them from behaviour which is protectionist or market distorting. Within the Union, transparency should be ensured in order to guarantee a level playing field for the Member States.

Amendment 6**Proposal for a regulation
Recital 2 f (new)**

(2f) Export credit agencies have become the largest source of official financing for developing countries. Hence, export credit-related debt constitutes the largest component of developing-country official debt. A significant proportion of export credit project financing in developing countries is concentrated in sectors such as transport, oil, gas and mining and large-scale infrastructure, such as large dams.

Amendment 7**Proposal for a regulation
Recital 2 g (new)**

(2g) The Participants to the Arrangement are involved in a continuous process intended to minimise market distortion and to establish a level playing field in which the premiums charged by the officially supported export credit agencies of OECD Members are risk-based and cover their operating costs and losses over the long term. In order to advance this goal, transparency and reporting by officially supported export credit agencies is required.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 8**Proposal for a regulation
Recital 2 h (new)**

(2h) In support of the continuing process within the OECD towards higher transparency and reporting standards for officially supported export credit agencies of OECD Members and beyond, the Union should apply additional measures of transparency and reporting for officially supported export credit agencies based in the Union as set out in Annex 1a to this Regulation.

Amendment 9**Proposal for a regulation
Recital 2 i (new)**

(2i) Developing and consolidating democracy and respecting human rights and fundamental freedoms as stipulated in Article 21 of the Treaty on European Union (TEU) and referred to in the Charter of Fundamental Rights of the European Union, as well as environmental principles and general principles of Corporate Social Responsibility (CSR), supplemented by other examples of international good practice, should be used as a guide for all projects financed by officially supported export credit agencies based in the Union, and include a social and environmental impact assessment, which includes human rights and the standards incorporated in the body of Union environmental and social legislation relevant to the sectors and projects financed by export credit agencies. The OECD 'Common Approaches' in their present wording already contain an explicit option to use European Community standards on bribery, sustainable lending and the environment as a benchmark in undertaking project reviews. Use of this provision should be further encouraged, taking into account that project sponsors, exporters, financial institutions and export credit agencies have different roles, responsibilities and leverage with regard to projects benefiting from official support.

Amendment 10**Proposal for a regulation
Recital 2 j (new)**

(2j) The climate objectives of the European Union and its Member States in terms of their Union and international commitments should guide all projects financed by officially supported export credit agencies based in the Union. These include: the final declaration by the heads of State and Government at the G20 Pittsburgh Summit on 24 and 25 September 2009 to phase out fossil fuel subsidies; the Union objectives to reduce its GHG emissions by 30 % compared to 1990 levels, to increase energy efficiency by 20 % and to have 20 % of its energy consumption coming from renewable sources by 2020; and the Union objective to reduce its GHG emissions by 80 to 95 % by 2050.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

The removal of fossil fuel subsidies should be accompanied by measures to ensure that the living standards of workers and the poor are not adversely affected.

Amendment 11**Proposal for a regulation****Recital 2 k (new)**

(2k) The principles underpinning CSR, which are fully recognised at international level, whether by the OECD, the International Labour Organization (ILO) or the United Nations, concern the responsible behaviour expected of undertakings, and presuppose, first of all, compliance with the legislation in force, in particular in the areas of employment, labour relations, human rights, the environment, consumer interests and transparency vis-à-vis consumers, the fight against corruption and taxation. Moreover the specific situation and capabilities of SMEs have to be taken into consideration.

Amendment 12**Proposal for a regulation****Recital 2 l (new)**

(2l) In view of the intensified competitive situation on world markets and in order to avoid competitive disadvantages for Union companies, the Commission and Member States should strengthen the efforts of the OECD in reaching out to non-Participants to the Arrangement and should use bilateral and multilateral negotiations in order to establish global standards for officially supported export credits. Global standards in this field are a prerequisite for a level playing field in world trade.

Amendment 13**Proposal for a regulation****Recital 2 m (new)**

(2m) Although OECD countries are guided by the Arrangement, non-OECD countries and in particular, emerging countries do not take part in the Arrangement with the result that this could lead to an unfair advantage for exporters of these countries. These countries should therefore be encouraged to join the OECD and participate in the Arrangement.

Amendment 14**Proposal for a regulation****Recital 2 n (new)**

(2n) In view of the EU's Better Regulation policy aimed at simplifying and improving existing regulation the Commission and Member States, in future reviews of the Arrangement, should focus on reducing administrative burdens on businesses and national administrations, including export credit agencies.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 15**Proposal for a regulation
Recital 2 o (new)**

(2o) The improvements in the Arrangement should ensure full coherence with Article 208 of the Treaty on the Functioning of the European Union (TFEU), in order to contribute to the realisation of the general objective of developing and consolidating democracy and the rule of law, and respecting human rights and fundamental freedoms. Additional measures should therefore be applied in the Union when transposing the Arrangement into Union law in order to guarantee compatibility between the Arrangement and Union law.

Amendment 16**Proposal for a regulation
Recital 2 p (new)**

(2p) Social and environmental impact assessment methodology that ensures compliance with export credit requirements should be fully consistent with the principles of the EU Sustainable Development Strategy, the Cotonou Agreement and the European Consensus on Development and should reflect the Union's commitment and obligations under the UN Framework Convention on Climate Change (UNFCCC), the UN Convention on Biological Diversity (UNCBD) as well as the attainment of the UN Millennium Development Goals (MDGs) and the social, labour and environmental standards as embodied in international agreements.

Amendment 17**Proposal for a regulation
Recital 4**

(4) Decision 2001/76/EC should therefore be repealed and replaced by this *Decision* with the consolidated and revised text of the Arrangement attached thereto as **an Annex**, and Decision 2001/77/EC should be repealed.

(4) Decision 2001/76/EC should therefore be repealed and replaced by this *Regulation* with the consolidated and revised text of the Arrangement attached thereto as **Annex I**, and Decision 2001/77/EC should be repealed.

Amendment 18**Proposal for a regulation
Article 1 – subparagraph 1**

The guidelines contained in the Arrangement on Guidelines for Officially Supported Export Credits shall apply in the **Community**.

The guidelines contained in the Arrangement on Guidelines for Officially Supported Export Credits shall apply in the **Union**.

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

The Commission shall submit to the European Parliament and to the Council a proposal for a new regulation to repeal and replace this Regulation as soon as possible once a new version of the Arrangement has been agreed among the OECD Participants and no later than two months after it has entered into force.

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

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

The additional measures on transparency and reporting to be applied in the Union are set out in Annex 1a to this Regulation.

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

The Council shall report annually to the European Parliament and to the Commission on the implementation by each Member State of the Arrangement on Guidelines for Officially Supported Export Credits.

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

The balance-sheet of the export credit agency of any Member State shall provide a full overview of the agency's assets and liabilities. The use of off-balance-sheet vehicles by export credit agencies shall be made fully transparent.

Companies, other than SMEs, benefiting from export credits shall publish annual country-by-country financial accounts.

Amendment 23**Proposal for a regulation
Annex 1 a (new)***Annex 1a*

(1) Without prejudice to the prerogatives of the Member States' institutions exercising the supervision of the national export credit programmes, each Member State shall provide an Annual Activity Report to the European Parliament and the Commission.

This Annual Activity Report shall contain the following information:

- An audit of all national instruments and programmes to which the Arrangement is applicable and of their compliance with the Arrangement, in particular its requirement that premiums are risk-based and cover long-term operating costs;*
- An overview of major operational developments during the reporting period and their compliance with the Arrangement (listing new commitments, exposure, premium charges, claims paid and recoveries, and mechanisms for costing environmental risk);*

Tuesday 5 April 2011

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

— *Presentation of the Member State's policies for ensuring that Union development objectives and policies guide activities in the fields of export credits relating to environmental and social issues, human rights, sustainable lending and anti-bribery.*

(2) The Commission shall provide its analysis of the Annual Activity Report, assessing Member States' coherence with Union development policies, and commenting on general developments in the policy field to the European Parliament.

(3) The Commission shall provide to the European Parliament an annual report on efforts undertaken in the various forums of international cooperation, including the OECD and the G-20, and in bilateral meetings with third countries, including summits and negotiations on Partnership and Cooperation Agreements and Free Trade Agreements, to have third countries, especially the emerging economies, introduce guidelines regarding the transparency of their export credit agencies at a level at least matching the OECD Common Approaches.

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Draft amending budget No 1/2011 – Section III – Commission

P7_TA(2011)0128

European Parliament resolution of 6 April 2011 on Council's position on Draft amending budget No 1/2011 of the European Union for the financial year 2011, Section III – Commission (07704/2011 – C7-0072/2011 – 2011/2022(BUD))

(2012/C 296 E/27)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union and in particular Article 314 thereof and to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾, and particularly Articles 37 and 38 thereof,
 - having regard to the general budget of the European Union for the financial year 2011, as definitively adopted on 15 December 2010 ⁽²⁾,
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽³⁾,
 - having regard to Draft amending budget No 1/2011 of the European Union for the financial year 2011, which the Commission presented on 14 January 2011 (COM(2011)0009),
 - having regard to Council's position on Draft amending budget No 1/2011, which the Council established on 15 March 2011 (07704/2011 – C7-0072/2011),
 - having regard to Rules 75b and 75e of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets (A7-0115/2011),
- A. whereas Draft amending budget No 1/2011 to the general budget 2011 aims at mobilising the EU Solidarity Fund for an amount of EUR 182,4 million in commitment and payment appropriations in order to mitigate the effects of flooding resulting from heavy rainfall in Poland, Slovakia, the Czech Republic, Hungary, Croatia and Romania,
- B. whereas the purpose of Draft amending budget No 1/2011 is to formally enter this budgetary adjustment into the 2011 budget,
- C. whereas the Joint Statement on payment appropriations annexed to the budget for the financial year 2011 foresaw the submission of an amending budget 'if the appropriations entered in the 2011 budget are insufficient to cover expenditure',
- D. whereas the Council has decided to establish a 'negative reserve' as provided for by Article 44 of the Financial Regulation,
- E. whereas this Council's decision is only pragmatic, does not provide sustainable and financially sound solution for potential future unforeseen needs, and should therefore be considered as a one-off option,
- F. whereas the Council called on the Commission to present 'as soon as possible' a proposal for drawing upon the negative reserve,

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ L 68, 15.3.2011.

⁽³⁾ OJ C 139, 14.6.2006, p. 1.

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- G. whereas the forthcoming Draft amending budget on the budgeting of the surplus for the financial year 2010 will provide a suitable and timely opportunity for drawing upon the negative reserve,
1. Takes note of Draft amending budget No 1/2011;
 2. Is of the opinion that the EU Solidarity Fund should be mobilised as swiftly as possible following a natural catastrophe, and that applications for financial assistance, evaluation and drafting of the proposals, and adoption of relevant budgetary and legislative acts should be dealt with in an effective and fast-acting manner;
 3. Calls on the Commission, without prejudice to its right of initiative, to make use of the Draft amending budget on the budgeting of the surplus for the financial year 2010, as provided for by Article 15 of the Financial Regulation, in order to draw upon the negative reserve;
 4. Approves, without amendment, the Council's position on Draft amending budget No 1/2011 and instructs its President to declare that Amending budget No 1/2011 has been definitively adopted and to arrange for its publication in the *Official Journal of the European Union*;
 5. Instructs its President to forward this resolution to the Council, the Commission and the national parliaments.

Mobilisation of the EU Solidarity Fund - Floods in 2010 in Poland, Slovakia, Hungary, the Czech Republic, Croatia and Romania

P7_TA(2011)0129

European Parliament resolution of 6 April 2011 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Union Solidarity Fund, in accordance with point 26 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (COM(2011)0010 – C7-0023/2011 – 2011/2021(BUD))

(2012/C 296 E/28)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2011)0010 – C7-0023/2011),
- having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular point 26 thereof,
- having regard to Council Regulation (EC) No 1024/2002 of 11 November 2002 establishing the European Union Solidarity Fund ⁽²⁾,
- having regard to the Joint Declaration of the European Parliament, the Council and the Commission, adopted during the conciliation meeting on 17 July 2008 on the Solidarity Fund,
- having regard to the report of the Committee on Budgets and the opinion of the Committee on Regional Development (A7-0114/2011),

1. Approves the decision annexed to this resolution;

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 311, 14.11.2002, p. 3.

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2. Recalls that point 26 of the IIA of 17 May 2006 foresees that where there is scope for reallocating appropriations under the heading requiring additional expenditure, the Commission shall take this into account when making the necessary proposal;
3. Notes that the Commission, by calling for additional commitments and payments to cover the needs of the EUSF at this early stage of the year, found no possibility for redeployment nor reallocating within and between headings concerned;
4. Is ready to consider the overall situation of payments in the context of the outturn of the 2010 Budget;
5. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;
6. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on mobilisation of the European Union Solidarity Fund, in accordance with point 26 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management

(The text of this annex is not reproduced here since it corresponds to the final act, Decision 2011/286/EU.)

EC-Comoros fisheries agreement ***

P7_TA(2011)0130

European Parliament legislative resolution of 6 April 2011 on the draft Council decision on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros (15572/2010 – C7-0020/2011 – 2010/0287(NLE))

(2012/C 296 E/29)

(Consent)

The European Parliament,

- having regard to the draft Council decision (15572/2010),
- having regard to the draft Protocol setting out the fishing opportunities and financial contribution provided for in the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros (15571/2010),
- having regard to the request for consent submitted by the Council in accordance with Article 43(2) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0020/2011),
- having regard to Rules 81 and 90(8) of its Rules of Procedure,
- having regard to the recommendation of the Committee on Fisheries and the opinions of the Committee on Budgets and the Committee on Development (A7-0056/2011),

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1. Consents to conclusion of the protocol;
2. Requests the Commission to send it the conclusions of the meetings and proceedings of the Joint Committee that is provided for in Article 9 of the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros ⁽¹⁾, the multiannual sectoral programme referred to in Article 7(2) of the Protocol and the findings of the annual assessments; calls for representatives of the European Parliament, acting as observers, to be given the opportunity to attend meetings and proceedings of the Joint Committee that is provided for in Article 9 of the Agreement; calls on the Commission to submit an implementation review of the Agreement to Parliament and the Council in the final year of application of the Protocol, before negotiations are opened on the renewal of the Agreement;
3. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Union of the Comoros.

⁽¹⁾ Approved by Council Regulation (EC) No 1563/2006 of 5 October 2006 (OJ L 290, 20.10.2006, p. 6).

Dispute settlement mechanism under the Euro-Mediterranean Agreement establishing an association between the EC and Jordan ***

P7_TA(2011)0131

European Parliament legislative resolution of 6 April 2011 on the draft Council decision on the conclusion of an Agreement in the form of a Protocol between the European Union and the Hashemite Kingdom of Jordan establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part (13758/2010 – C7-0057/2011 – 2010/0173(NLE))

(2012/C 296 E/30)

(Consent)

The European Parliament,

- having regard to the draft Council decision (13758/2010),
- having regard to the draft Agreement in the form of a Protocol between the European Union and the Hashemite Kingdom of Jordan establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part (13974/2010),
- having regard to the request for consent submitted by the Council in accordance with Article 207(4), first subparagraph and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C7-0057/2011),
- having regard to Rules 81 and 90(8) of its Rules of Procedure,
- having regard to the recommendation of the Committee on International Trade (A7-0067/2011),

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 Hashemite Kingdom of Jordan.

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EU-Morocco Agreement establishing a dispute settlement mechanism ***

P7_TA(2011)0132

European Parliament legislative resolution of 6 April 2011 on the draft Council decision on the conclusion of an Agreement between the European Union and the Kingdom of Morocco establishing a Dispute Settlement Mechanism (13754/2010 – C7-0431/2010 – 2010/0181(NLE))

(2012/C 296 E/31)

(Consent)

The European Parliament,

- having regard to the draft Council decision (13754/2010),
 - having regard to the draft Agreement between the European Union and the Kingdom of Morocco establishing a Dispute Settlement Mechanism (13973/2010),
 - having regard to the request for consent submitted by the Council in accordance with Article 207(4), first subparagraph and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C7-0431/2010),
 - having regard to Rules 81 and 90(8) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on International Trade (A7-0066/2011),
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 Kingdom of Morocco.

Dispute settlement mechanism under the Euro-Mediterranean Agreement establishing an Association between the EC and Egypt ***

P7_TA(2011)0133

European Parliament legislative resolution of 6 April 2011 on the draft Council decision on the conclusion of an Agreement in the form of a Protocol between the European Union and the Arab Republic of Egypt establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part (13762/2010 – C7-0372/2010 – 2010/0229(NLE))

(2012/C 296 E/32)

(Consent)

The European Parliament,

- having regard to the draft Council decision (13762/2010),
- having regard to the draft Agreement in the form of a Protocol between the European Union and the Arab Republic of Egypt establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part (13975/2010),

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- having regard to the request for consent submitted by the Council in accordance with Article 207(4), first subparagraph and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C7-0372/2010),
 - having regard to Rules 81 and 90(8) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on International Trade (A7-0068/2011),
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 Arab Republic of Egypt.

Participation of Ukraine in Union programmes ***

P7_TA(2011)0134

European Parliament legislative resolution of 6 April 2011 on the draft Council decision on the conclusion of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part, on a Framework Agreement between the European Union and Ukraine on the general principles for the participation of Ukraine in Union programmes (13604/2010 – C7-0401/2010 – 2010/0218(NLE))

(2012/C 296 E/33)

(Consent)

The European Parliament,

- having regard to the draft Council decision (13604/2010),
 - having regard to the draft protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part, concluded on 14 June 1994 ⁽¹⁾, on a Framework Agreement between the European Union and Ukraine on the general principles for the participation of Ukraine in Union programmes (13962/2010),
 - having regard to the request for consent submitted by the Council in accordance with Articles 114, 168, 169, 172, 173(3), 188 and 192 and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0401/2010),
 - having regard to Rules 81, 90(8) and 46(1) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Foreign Affairs (A7-0063/2011),
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 and of Ukraine.

⁽¹⁾ OJ L 49, 19.2.1998, p. 3.

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Imports from Greenland of fishery products, live bivalve molluscs, echinoderms, tunicates and marine gastropods *I**

P7_TA(2011)0135

European Parliament legislative resolution of 6 April 2011 on the proposal for a Council decision laying down rules for imports into the European Union from Greenland of fishery products, live bivalve molluscs, echinoderms, tunicates, marine gastropods and by-products thereof (COM(2010)0176 – C7-0136/2010 – 2010/0097(COD))

(2012/C 296 E/34)

(Ordinary legislative procedure - first reading)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2010)0176),
 - having regard to Article 203 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0136/2010),
 - having regard to Article 294(3) and Article 43(2) and Article 204 of the Treaty on the Functioning of the European Union,
 - having regard to the Sole Article of Protocol (No 34) on Special Arrangements with Greenland, GENERALLED to the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to the reasoned opinion submitted, within the framework of Protocol (No 2) on the application of the principles of subsidiarity and proportionality, by the Italian Senate, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to Rule 55 and 37 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A7-0057/2011),
1. Adopts the position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend 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.

Wednesday 6 April 2011

P7_TC1-COD(2010)0097

Position of the European Parliament adopted at first reading on 6 April 2011 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of the Council laying down rules for imports into the European Union from Greenland of fishery products, live bivalve molluscs, echinoderms, tunicates, marine gastropods and by-products thereof [Am. 1]

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular **Article 43(2) and Article 204** thereof, [Am. 2]

Having regard to the Sole Article of Protocol (No 34) on Special Arrangements with Greenland, annexed to the Treaty on the Functioning of the European Union, [Am. 3]

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⁾,

Acting in accordance with **the ordinary legislative procedure** ⁽²⁾, [Am. 2]

Whereas

- (1) Greenland is included in the list of overseas countries and territories set out in Annex II to the Treaty on the Functioning of the European Union (TFEU). In accordance with Article 198 of the TFEU, the purpose of association is to promote the economic and social development of the overseas countries and territories and to establish close economic relations between them and the Union as a whole.
- (2) Denmark and Greenland have requested that trade between the Union and Greenland in fishery products, bivalve molluscs, echinoderms, tunicates, marine gastropods and by-products derived from those sources that are originating in Greenland according to the provisions of Annex III to Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community ⁽³⁾ be permitted in accordance with the rules on trade within the Union.
- (3) It is appropriate that such trade be conducted in compliance with Union rules on animal health and food safety laid down in the legal acts of the Union, as well as the rules on the common organisation of the market in fishery products.
- (4) Accordingly, Denmark and Greenland should undertake that consignments of products dispatched to the European Union from Greenland comply with the applicable Union rules concerning animal health, food safety and the common organisation of the market in fishery products. Eligible feed and food business operators should be registered and listed in accordance with Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽⁴⁾.

⁽¹⁾ OJ ...

⁽²⁾ Position of the European Parliament of 6 April 2011.

⁽³⁾ OJ L 314, 30.11.2001, p. 1.

⁽⁴⁾ OJ L 165, 30.4.2004, p. 1.

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- (5) The competent authority in Greenland has provided official assurances to the Commission in respect of the enforcement of compliance with the Union rules and animal health requirements for the products concerned. Those assurances cover, in particular, the application of the provisions laid down in Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption ⁽¹⁾, Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽²⁾ and Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals ⁽³⁾, and include a commitment to on-going compliance with the rules on trade within the Union.
- (6) Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products ⁽⁴⁾ requires the establishment of national monitoring plans for aquaculture animals. Accordingly, those provisions should also apply to Greenland.
- (7) In order to permit the importation into the European Union from Greenland of products in accordance with the rules laid down in Union legal acts on trade within the Union, Denmark and Greenland should undertake to transpose and implement the relevant provisions in Greenland, before the date of adoption of **this Regulation [Am. 1]**. Denmark and Greenland should undertake to ensure that imports from third countries of the products concerned into Greenland comply with Union rules on animal health and food safety. Veterinary checks at border inspection posts in Greenland should be carried out in accordance with Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽⁵⁾. Veterinary checks at border inspection posts are carried out in close cooperation with customs officials. In order to simplify this task, it is appropriate to provide the competent authorities with the relevant references to the Combined Nomenclature (CN) set out in Annex I to Commission Decision 2007/275/EC of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC ⁽⁶⁾.
- (8) Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽⁷⁾ provides for the introduction of a computerized system which links veterinary authorities with a view, in particular, to facilitating the rapid exchange of information relating to animal health and welfare between the competent authorities (Traces). Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system ⁽⁸⁾ provides that the Member States are to use Traces from 1 April 2004. Traces is essential for the effective monitoring of trade in animals and products of animal origin and accordingly it should be used for the transmission of data on movements and trade in the products in Greenland.
- (9) Outbreaks of animal diseases listed in Council Directive 82/894/EEC of 21 December 1982 on the notification of animal diseases within the Community ⁽⁹⁾, are to be reported to the Commission via the Animal Disease Notification System (ADNS) in accordance with Commission Decision 2005/176/EC of 1 March 2005 laying down the codified form and the codes for the notification of animal diseases pursuant to Council Directive 82/894/EEC ⁽¹⁰⁾. For the products concerned, those provisions should also apply to Greenland.

⁽¹⁾ OJ L 273, 10.10.2002, p. 1.

⁽²⁾ OJ L 139, 30.4.2004, p. 55.

⁽³⁾ OJ L 328, 24.11.2006, p. 14.

⁽⁴⁾ OJ L 125, 23.5.1996, p. 10.

⁽⁵⁾ OJ L 24, 30.1.1998, p. 9.

⁽⁶⁾ OJ L 116, 4.5.2007, p. 9.

⁽⁷⁾ OJ L 224, 18.8.1990, p. 29.

⁽⁸⁾ OJ L 94, 31.3.2004, p. 63.

⁽⁹⁾ OJ L 378, 31.12.1982, p. 58.

⁽¹⁰⁾ OJ L 59, 5.3.2005, p. 40.

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- (10) 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⁾ establishes a rapid alert system for the notification of a direct or indirect risk to human health deriving from food or feed (RASFF). For the products concerned, these provisions should also apply to Greenland.
- (11) Before Greenland can carry out veterinary checks on products that are introduced into Greenland from third countries, an EU inspection should be carried out in Greenland to verify that border inspection posts in Greenland comply with the requirements laid down in Directive 97/78/EC, Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries⁽²⁾ and Commission Decision 2001/812/EC of 21 November 2001 laying down the requirements for the approval of border inspection posts responsible for veterinary checks on products introduced into the Community from third countries⁽³⁾.
- (12) Following the positive outcome of the said inspection, border inspection posts in Greenland should be listed in Commission Decision 2009/821/EC of 28 September 2009 drawing up a list of approved border inspection posts, laying down certain rules on the inspections carried out by Commission veterinary experts and laying down the veterinary units in Traces⁽⁴⁾. In order to ensure effective control of the fishery products introduced in Greenland and in the European Union, it is appropriate for **this Regulation [Am. 1]** to apply as from the moment that border inspection posts in Greenland are listed in Decision 2009/821/EC.
- (13) The measures necessary for the implementation of **this Regulation [Am. 1]** should be adopted in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers⁽⁵⁾,

HAVE ADOPTED **THIS REGULATION [Am. 1]**:

Article 1

Subject matter and scope

This Regulation [Am. 1] applies to fishery products, bivalve molluscs, echinoderms, tunicates and marine gastropods and to by-products derived from those sources ('the products'), originating from Greenland or introduced into Greenland and then introduced into the European Union.

Article 2

Definitions

For the purposes of **this Regulation [Am. 1]**, the following definitions shall apply:

- (a) 'bivalve molluscs' means molluscs as defined in point 2.1 of Annex I to Regulation (EC) No 853/2004;
- (b) 'fishery products' means products as defined in point 3.1 of Annex I to Regulation (EC) No 853/2004;
- (c) 'by-products' means animal by-products as defined in Article 2(1)(a) of Regulation (EC) No 1774/2002, derived from fishery products, bivalve molluscs, echinoderms, tunicates or marine gastropods;
- (d) 'products originating from Greenland' means products as defined in accordance with the provisions of Annex III to Decision 2001/822/EC.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 21, 28.1.2004, p. 11.

⁽³⁾ OJ L 306, 23.11.2001, p. 28.

⁽⁴⁾ OJ L 296, 12.11.2009, p. 1.

⁽⁵⁾ OJ L 55, 28.2.2011, p. 13.

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Article 3

General rules concerning trade between the European Union and Greenland in fishery products, live bivalve molluscs, echinoderms, tunicates, marine gastropods and by-products thereof

1. Member States shall authorise imports into the European Union of the products coming from Greenland, in accordance with Union legal acts on trade within the Union.
2. The importation of the products into the Union shall be subject to the following conditions:
 - (a) the effective transposition and implementation in Greenland of the applicable rules laid down in the legal acts of the Union concerning animal health, food safety and the common organisation of the market in fishery products, relating to the products;
 - (b) the drawing up and keeping up to date in accordance with Article 31 of Regulation (EC) No 882/2004 by the competent authority in Denmark and Greenland of a list of feed and food business operators which have been registered,;
 - (c) the compliance of consignments of products dispatched to the European Union from Greenland with the applicable rules laid down in the legal acts of the Union concerning animal health, food safety and the common organisation of the market in fishery products;
 - (d) the correct application of the rules laid down in the legal acts of the Union concerning animal health and food safety and the common organisation of the market in fishery products to introduction of the products into Greenland.

Article 4

Monitoring plans for aquaculture animals

Denmark and Greenland shall submit for approval by the Commission monitoring plans for the detection of the presence of residues and substances in aquaculture animals in Greenland, in accordance with Directive 96/23/EC.

Article 5

Checks on products imported into Greenland from third countries

1. Veterinary checks shall be carried out on consignments of the products introduced into Greenland from third countries in accordance with the rules laid down in Directive 97/78/EC.

To facilitate those veterinary checks, the Commission will provide to the competent authorities of Denmark and Greenland with references to the CN codes listed in Annex I to Commission Decision 2007/275/EC in respect of the products.

2. Proposals for border inspection posts in Greenland shall be submitted to the Commission for approval in accordance with Article 6(2) of Directive 97/78/EC.

The list of border inspection posts approved for Greenland shall be included in the list of border inspection posts in the Member States, approved in accordance with Directives 91/496/EEC and 97/78/EC.

Article 6

Information system

1. Data on movements and trade of the products concerned in Greenland shall be transmitted in the Danish language via Traces in accordance with Decision 2004/292/EC.
2. The notification of aquatic diseases concerning the products in Greenland shall be transmitted via ADNS, in accordance with Directive 82/894/EEC and Decision 2005/176/EC.

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3. The notification of direct or indirect risks to human health deriving from the products in Greenland shall be transmitted via RASFF established by Regulation (EC) No 178/2002.

Article 7

Identification mark

Consignments of the products dispatched to the European Union from Greenland shall be marked with the identification mark for Greenland, 'GL', in accordance with the rules set out in Section I(B) of Annex II to Regulation (EC) No 853/2004.

Article 8

Confirmation of compliance with the conditions laid down in **this Regulation [Am. 1]**

Denmark and Greenland shall provide, before the date of application of **this Regulation [Am. 1]** referred to in Article 11, written confirmation that the necessary measures for the application of **this Regulation [Am. 1]** have been taken.

Article 9

Implementing measures

The measures necessary for the implementation of **this Regulation [Am. 1]** shall be adopted in accordance with the procedure referred to in Article 10.

Article 10

Committee procedure

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health established by Article 58 of Regulation (EC) No 178/2002.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) 182/2011 shall apply.

Article 11

Entry into force and applicability

This Regulation [Am. 1] 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 **[Am. 1]**.

It shall apply from the date of listing in Decision 2009/821/EC of the first border inspection post in Greenland.

Done at

For the European Parliament
The President

For the Council
The President

Wednesday 6 April 2011

Granting and withdrawing international protection ***I

P7_TA(2011)0136

European Parliament legislative resolution of 6 April 2011 on the proposal for a directive of the European Parliament and of the Council on minimum standards on procedures in Member States for granting and withdrawing international protection (recast) (COM(2009)0554 – C7-0248/2009 – 2009/0165(COD))

(2012/C 296 E/35)

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2009)0554),
 - having regard to Article 251(2) and Article 63, first indent, points 1(d) and 2(a), of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0248/2009),
 - having regard to the Commission Communication to Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665),
 - having regard to Article 294(3) and Article 78(2) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 28 April 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 its resolution of 10 March 2009 on the future of the Common European Asylum System ⁽³⁾,
 - having regard to the letter of 2 February 2010 from the Committee on Legal Affairs to the Committee on Civil Liberties, Justice and Home Affairs in accordance with Rule 87(3) of its Rules of Procedure,
 - having regard to Rules 87 and 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0085/2011),
- 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;

⁽¹⁾ OJ C 18, 19.1.2011, p. 85.

⁽²⁾ OJ C 77, 28.3.2002, p. 1.

⁽³⁾ OJ C 87 E, 1.4.2010, p. 10.

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3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2009)0165

Position of the European Parliament adopted at first reading on 6 April 2011 with a view to the adoption of Directive 2011/.../EU of the European Parliament and of the Council on minimum standards on procedures in Member States for granting and withdrawing international protection (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 78(2) thereof,

Having regard to the proposal from the European Commission,

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

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

Whereas:

- (1) A number of substantive changes are to be made to Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures for granting and withdrawing refugee status ⁽³⁾. In the interests of clarity, that Directive should be recast.
- (2) A common policy on asylum, including a Common European Asylum System, is a constituent part of the European Union's objective of establishing progressively an area of freedom, security and justice open to those who, forced by circumstances, legitimately seek protection in the Union.
- (3) The European Council, at its special meeting in Tampere on 15 and 16 October 1999, agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967 (Geneva Convention), thus affirming the principle of non-refoulement and ensuring that nobody is sent back to persecution.
- (4) The Tampere Conclusions provide that a Common European Asylum System should include, in the short term, common standards for fair and efficient asylum procedures in the Member States and, in the longer term, Community rules leading to a common asylum procedure in the European Community.
- (5) Directive 2005/85/EC was a first measure on asylum procedures.
- (6) The first phase in the creation of a Common European Asylum System has now been achieved. The European Council of 4 November 2004 adopted the Hague Programme, which sets the objectives to be implemented in the area of freedom, security and justice in the period 2005-2010. In this respect the Hague Programme invited the European Commission to conclude the evaluation of the first phase legal instruments and to submit the second-phase instruments and measures to the Council and the European Parliament, with a view to their adoption before 2010. In accordance with the Hague programme, the objective to be pursued for the creation of the Common European Asylum System is the establishment of a common asylum procedure and a uniform status valid throughout the Union.

⁽¹⁾ OJ C 18, 19.1.2011, p. 85.

⁽²⁾ Position of the European Parliament of 6 April 2011.

⁽³⁾ OJ L 326, 13.12.2005, p. 13.

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- (7) In the European Pact on Immigration and Asylum, adopted on 16 October 2008, the European Council noted that considerable disparities remain between one Member State and another concerning the grant of protection and called for new initiatives, including a proposal for establishing a single asylum procedure comprising common guarantees, to complete the establishment of a Common European Asylum System, provided for in the Hague Programme.
- (8) **It is necessary for** the resources of the European Refugee Fund and of the European Asylum Support Office **to** be mobilised, *inter alia*, to provide adequate support to the Member States' efforts relating to the implementation of the standards set in the second phase of the Common European Asylum System, in particular to those Member States which are faced with specific and disproportionate pressures on their asylum systems, due in particular to their geographical or demographic situation. **It is also necessary that in Member States that receive a disproportionately large number of asylum applications in relation to the size of their population, financial support and administrative/technical support be mobilised immediately under the European Refugee Fund and the European Asylum Support Office respectively in order to enable them to comply with this Directive.** [Am. 1]
- (9) In order to ensure a comprehensive and efficient evaluation of the international protection needs of applicants within the meaning of Directive [...]/.../EU [on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (the Qualification Directive)] the Union framework on procedures for granting international protection should be based on the concept of a single asylum procedure.
- (10) The main objective of this Directive is to develop further minimum standards for procedures in Member States for granting and withdrawing international protection with a view to establishing a common asylum procedure in the Union.
- (11) The approximation of rules on the procedures for granting and withdrawing international protection should help to limit the secondary movements of applicants for international protection between Member States, where such movement would be caused by differences in legal frameworks, and create equivalent conditions for the application of Directive [...]/.../EU [the Qualification Directive] in Member States.
- (12) It is in the very nature of minimum standards that Member States should have the power to introduce or maintain more favourable provisions for third country nationals or stateless persons who ask for international protection from a Member State, where such a request is understood to be on the grounds that the person concerned is in need of international protection within the meaning of Directive [...]/.../EU [the Qualification Directive].
- (13) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular this Directive seeks to promote the application of **Articles 1, 4, 18, 19, 21, 24 and 47** of the Charter and has to be implemented accordingly. [Am. 2]
- (14) With respect to the treatment of persons falling within the scope of this Directive, Member States are bound by obligations under instruments of international law to which they are party.
- (15) **Member States are obliged to respect fully the principle of non-refoulement and the right to asylum, which includes access to an asylum procedure for any person who wishes to claim asylum and who is in their jurisdiction, including those under the effective control of a Union body or a body of a Member State.** [Am. 3]
- (16) It is essential that decisions on all applications for international protection be taken on the basis of the facts and, in the first instance, by authorities whose personnel has the appropriate knowledge **and** receives the necessary training in the field of asylum and refugee matters. [Am. 4]

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- (17) It is in the interest of both Member States and applicants for international protection to decide as soon as possible on applications for international protection, without prejudice to an adequate and complete examination.
- (18) The notion of public order may inter alia cover a conviction for committing a serious crime.
- (19) In the interests of a correct recognition of those persons in need of protection as refugees within the meaning of Article 1 of the Geneva Convention or as persons eligible for subsidiary protection, every applicant should have an effective access to procedures, the opportunity to cooperate and properly communicate with the competent authorities so as to present the relevant facts of his/her case and **effective** procedural guarantees to pursue his/her case throughout all stages of the procedure. Moreover, the procedure in which an application for international protection is examined should normally provide an applicant at least with the right to stay pending a **final** decision by the determining authority **and, in the case of a negative decision, the time necessary for seeking a judicial remedy, and for so long as a competent court or tribunal so authorises**, access to the services of an interpreter for submitting his/her case if interviewed by the authorities, the opportunity to communicate with a representative of the United Nations High Commissioner for Refugees (UNHCR) and with organizations providing advice or counselling to applicants for international protection, the right to appropriate notification of a decision, a motivation of that decision in fact and in law, the opportunity to consult a legal advisor or other counsellor, and the right to be informed of his/her legal position at decisive moments in the course of the procedure, in a language he/she **understands or may** reasonably be supposed to understand and, in the case of a negative decision, the right to an effective remedy before a court or tribunal. [Am. 5]
- (20) With a view to ensuring an effective access to the examination procedure, officials who first come into contact with persons seeking international protection, in particular those carrying out surveillance of land or maritime borders or conducting border checks, should receive instructions and necessary training on how to recognise, **register and forward to the competent determining authority** requests for international protection. They should be able to provide third country nationals or stateless persons who are present in the territory, including at the border, in the territorial waters or in the transit zones of the Member States, and wish to request international protection, with all relevant information as to where and how applications for international protection may be lodged. Where those persons are present in the territorial waters of a Member State, they should be disembarked in land and have their applications examined in accordance with this Directive. [Am. 6]
- (21) In addition, special procedural guarantees for vulnerable applicants, such as minors, unaccompanied minors, **pregnant women**, persons who have been subjected to torture, rape or other serious acts of violence, **such as violence based on gender and harmful traditional practices**, or disabled persons, should be laid down in order to create the conditions necessary for their effective access to procedures and presenting the elements needed to substantiate the application for international protection. [Am. 7]
- (22) National measures dealing with identification and documentation of symptoms and signs of torture or other serious acts of physical or mental violence, including acts of sexual violence, in procedures covered by this Directive should inter alia be based on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).
- (23) With a view to ensuring substantive equality between female and male applicants, examination procedures should be gender sensitive. In particular, personal interviews should be organised in a way which makes it possible for both female and male applicants to speak about their past experiences in cases involving gender based persecution **to an interviewer of the same sex if so requested, who has specific training on the issue of interviews regarding gender-based persecution**. The complexity of gender related claims should be properly taken into account in procedures based on the safe third country concept, the safe country of origin concept or the notion of subsequent applications. [Am. 8]

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- (24) The 'best interests of the child' should be a primary consideration of Member States when implementing this Directive, in line with the 1989 United Nations Convention on the Rights of the Child.
- (25) Procedures for examining international protection needs should be organised in a way that makes it possible for the **determining** authorities to conduct a rigorous examination of applications for international protection. [Am. 9]
- (26) Where an applicant makes a subsequent application without presenting new evidence or arguments, it would be disproportionate to oblige Member States to carry out a new full examination procedure. In these cases, Member States should be able to dismiss an application as inadmissible in accordance with the *res judicata* principle.
- (27) Many applications for international protection are made at the border or in a transit zone of a Member State prior to a decision on the entry of the applicant. Member States should be able to provide for admissibility and/or substantive examination procedures which make it possible to decide on applications made at the border or in transit zones at those locations.
- (28) A key consideration for the well-foundedness of an application for international protection is the safety of the applicant in his/her country of origin. Where a third country can be regarded as a safe country of origin, Member States should be able to designate it as safe and presume its safety for a particular applicant, unless he/she presents counter-indications.
- (29) Given the level of harmonisation achieved on the qualification of third country nationals and stateless persons as refugees, common criteria for designating third countries as safe countries of origin should be established.
- (30) The designation of a third country as a safe country of origin for the purposes of this Directive cannot establish an absolute guarantee of safety for nationals of that country. By its very nature, the assessment underlying the designation can only take into account the general civil, legal and political circumstances in that country and whether actors of persecution, torture or inhuman or degrading treatment or punishment are subject to sanction in practice when found liable in the country concerned. For this reason, it is important that, where an applicant shows that there are valid reasons to consider the country not to be safe in his/her particular circumstances, the designation of the country as safe can no longer be considered relevant for him/her.
- (31) Member States should examine all applications on the substance, i.e. assess whether the applicant in question qualifies for international protection in accordance with Directive [.../.../EU] [the Qualification Directive] except where this Directive provides otherwise, in particular where it can be **ensured** that another country would do the examination or provide **effective** protection. In particular, Member States should not be obliged to assess the substance of an application for international protection where a first country of asylum has granted the applicant refugee status or otherwise **accessible and effective** protection and the applicant will be readmitted to this country. **Member States should proceed in this way only in cases where the applicant in question is safe in the third country concerned.** [Am. 10]
- (32) Member States should also not be obliged to assess the substance of an application for international protection where the applicant, due to a sufficient connection to a third country as defined by national law, can reasonably be expected to seek protection in that third country, and there are grounds for considering that the applicant will be admitted or re-admitted to that country. Member States should only proceed on this basis where this particular applicant would be safe in the third country concerned. In order to avoid secondary movements of applicants, common principles for the consideration or designation by Member States of third countries as safe should be established.

■ [Am. 11]

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- (33) With respect to the withdrawal of refugee or subsidiary protection status, Member States should ensure that persons benefiting from international protection are duly informed of a possible reconsideration of their status and have the opportunity to submit their point of view before the authorities can take a motivated decision to withdraw their status.
- (34) It reflects a basic principle of Union law that the decisions taken on an application for international protection and on the withdrawal of refugee or subsidiary protection status are subject to an effective remedy before a court or tribunal.
- (35) In accordance with Article 72 of the Treaty on the Functioning of the European Union, this Directive does not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.
- (36) This Directive does not deal with procedures between Member States governed by Regulation (EU) No [.../...] [establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (The Dublin Regulation)].
- (37) Applicants with regard to whom Regulation EU No [.../...] [the Dublin Regulation] applies should enjoy access to the basic principles and guarantees set out in this Directive and to the special guarantees pursuant to that Regulation.
- (38) The implementation of this Directive should be evaluated at regular intervals.
- (39) Since the objective of this Directive, namely to establish minimum standards on procedures in Member States for granting and withdrawing international protection cannot be sufficiently attained by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve this objective.
- (40) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not take part in the adoption of this Directive and is not bound by it or subject to its application.
- (41) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive change as compared with Directive 2005/85/EC. The obligation to transpose the provisions which are unchanged arises under Directive 2005/85/EC.
- (42) This Directive should be without prejudice to the obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B,

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose

The purpose of this Directive is to establish minimum standards on procedures in Member States for granting and withdrawing international protection by virtue of Directive [.../.../EU] [the Qualification Directive].

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Article 2

Definitions

For the purposes of this Directive:

- (a) 'Geneva Convention' means the Convention of 28 July 1951 relating to the status of refugees, as amended by the New York Protocol of 31 January 1967;
- (b) 'application' or 'application for international protection' means a request made by a third country national or a stateless person for protection from a Member State, who can be understood to seek refugee or subsidiary protection status, and who does not explicitly request another kind of protection outside the scope of Directive [...]/.../EU [the Qualification Directive], that can be applied for separately;
- (c) 'applicant' or 'applicant for international protection' means a third country national or stateless person who has made an application for international protection in respect of which a final decision has not yet been taken;
- (d) 'applicant with special needs' means an applicant who due to age, gender, **sexual orientation, gender identity**, disability, **physical or mental illnesses** or consequences of torture, rape or other serious forms of psychological, physical or sexual violence is in need of special guarantees in order to benefit from the rights and comply with the obligations in accordance with this Directive; **[Am. 13]**
- (e) 'final decision' means a decision on whether the third country national or stateless person be granted refugee or subsidiary protection status by virtue of Directive [...]/.../EU [the Qualification Directive] and which is no longer subject to a remedy within the framework of Chapter V of this Directive irrespective of whether such remedy has the effect of allowing applicants to remain in the Member States concerned pending its outcome;
- (f) 'determining authority' means any quasi-judicial or administrative body in a Member State responsible for examining applications for international protection and competent to take decisions at first instance in such cases, subject to Annex I;
- (g) 'refugee' means a third country national or a stateless person who fulfils the requirements of Article 2(d) of Directive [...]/.../EU [the Qualification Directive];
- (h) 'person eligible for subsidiary protection' means a third country national or a stateless person who fulfils the requirements of Article 2(f) of Directive [...]/.../EU [the Qualification Directive];
- (i) 'international protection' means the recognition by a Member State of a third country national or a stateless person as a refugee or a person eligible for subsidiary protection;
- (j) 'refugee status' means the recognition by a Member State of a third country national or a stateless person as a refugee;
- (k) 'subsidiary protection status' means the recognition by a Member State of a third country national or a stateless person as a person eligible for subsidiary protection;
- (l) 'minor' means a third country national or a stateless person below the age of 18 years;
- (m) 'unaccompanied minor' means a minor as defined in Article 2(l) of Directive [...]/.../EU [the Qualification Directive];
- (n) 'representative' means a person appointed by the competent authorities to act as a legal guardian in order to assist and represent an unaccompanied minor with a view to ensuring the child's best interests and exercising legal capacity for the minor where necessary;

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- (o) 'withdrawal of international protection' means the decision by a competent authority to revoke, end or refuse to renew refugee or subsidiary protection status of a person in accordance with Directive [...]/.../EU [the Qualification Directive];
- (p) 'remain in the Member State' means to remain in the territory, including at the border or in transit zones, of the Member State in which the application for international protection has been made or is being examined;
- (q) **'new facts and circumstances' means facts supporting the essence of the claim, which could contribute to the revision of an earlier decision. [Am. 15]**

Article 3

Scope

1. This Directive shall apply to all applications for international protection made in the territory, including at the border, in the territorial waters or in the transit zones of the Member States, and to the withdrawal of international protection.
2. This Directive shall not apply in cases of requests for diplomatic or territorial asylum submitted to representations of Member States.
3. Member States may decide to apply this Directive in procedures for deciding on applications for any kind of international protection falling outside the scope of Directive [...]/.../EU [the Qualification Directive].

Article 4

Responsible authorities

1. Member States shall designate for all procedures a determining authority which will be responsible for an appropriate examination of the applications in accordance with this Directive. Member States shall ensure that this authority has sufficient numbers of competent and specialized personnel at its disposal for carrying out its tasks within the prescribed time limits. To that end, Member States shall provide for initial and follow up training programmes for the personnel examining applications and taking decisions on international protection.
2. The training referred to in paragraph 1 shall include, in particular:
 - (a) substantive and procedural rules on international protection and Human Rights set out in relevant international and Union instruments, including the principles of non-refoulement and non-discrimination;
 - (b) applicants with special needs, as defined in Article 2(d); [Am. 16]**
 - (c) gender, **sexual orientation**, trauma and age awareness, **with particular attention being paid to unaccompanied minors**; [Am. 17]
 - (d) use of country of origin information;
 - (e) interview technics, including cross-culture communication;
 - (f) identification and documentation of signs and symptoms of torture;
 - (g) evidence assessment, including the principle of the benefit of the doubt;
 - (h) case law issues relevant to the examination of applications for international protection.

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3. However, Member States may provide that another authority is responsible for the purpose of processing cases pursuant to Regulation (EU) No [.../...] [the Dublin Regulation].

4. Where an authority is designated in accordance with paragraph 3, Member States shall ensure that the personnel of that authority have the appropriate knowledge *and* receive the necessary training to fulfil their obligations when implementing this Directive. [Am. 18]

5. Applications for international protection made in a Member State to the authorities of another Member State carrying out border or immigration controls there shall be dealt with by the Member State in whose territory the application is made.

Article 5

More favourable provisions

Member States may introduce or maintain more favourable standards on procedures for granting and withdrawing international protection, insofar as those standards are compatible with this Directive.

CHAPTER II

BASIC PRINCIPLES AND GUARANTEES

Article 6

Access to the procedure

1. Member States shall designate competent authorities responsible for the receipt and registration of applications for international protection. Without prejudice to paragraphs 5, 6, 7 and 8, Member States may require that applications for international protection be made in person and/or at a designated place.

2. Member States shall ensure that a person who wishes to make an application for international protection has an effective opportunity to lodge the application with the competent authority as soon as possible. **Where applicants are unable to lodge their application in person, Member States shall ensure that a legal representative is able to lodge the application on their behalf.** [Am. 19]

3. Member States shall ensure that each adult having legal capacity has the right to make an application for international protection on his/her own behalf.

4. Member States may provide that an application may be made by an applicant on behalf of his/her dependants. In such cases Member States shall ensure that dependant adults consent to the lodging of the application on their behalf, failing which they shall have an opportunity to make an application on their own behalf.

Consent shall be requested at the time the application is lodged or, at the latest, when the personal interview with the dependant adult is conducted. Before consent is requested, each adult among these persons shall be informed in private of relevant procedural consequences and of his or her right to make a separate application for international protection.

5. Member States shall ensure that a minor has the right to make an application for international protection either on his/her own behalf – **if he/she is considered under national law as capable of bringing proceedings** – or through his/her **legal representative or the latter's authorised representative. In all other cases, paragraph 6 shall apply.** [Am. 20]

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6. Member States shall ensure that the appropriate bodies referred to in Article 10 of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals ⁽¹⁾ have the right to lodge an application for international protection on behalf of an unaccompanied minor if, on the basis of an individual assessment of his/her personal situation, these bodies are of the opinion that the minor may have protection needs pursuant to Directive [.../.../EU] [the Qualification Directive].

7. Member States may determine in national legislation:

- (a) the cases in which a minor can make an application on his/her own behalf;
- (b) the cases in which the application of an unaccompanied minor has to be lodged by a representative as provided for in Article 21(1)(a).

■ [Am. 21]

8. Member States shall ensure that border guards, police and immigration authorities, and personnel of detention facilities have instructions and receive necessary training for **recognising, registering and forwarding** applications for international protection. If these authorities are designated as competent authorities pursuant to paragraph 1, the instructions shall include an obligation to register the application. In other cases, the instructions shall require to forward the application to the authority competent for this registration together with all relevant information. [Am. 22]

Member States shall ensure that all other authorities likely to be addressed by someone who wishes to make an application for international protection are able to advise that person how and where he/she may make such an application and/or may require these authorities to forward the application to the competent authority.

9. An application for international protection shall be registered by the competent authorities within 72 hours from the moment a person has expressed his/her wish to apply for international protection pursuant to subparagraph 1 of paragraph 8.

Article 7

Information and counseling at border crossing points and detention facilities

1. Member States shall ensure that information on procedures to be followed in order to make an application for international protection is made available at:

- (a) border crossing points, including transit zones, at external borders; and
- (b) detention facilities.

2. Member States shall provide for interpretation arrangements in order to ensure communication between persons who wish to make an application for international protection and border guards or personnel of detention facilities.

3. Member States shall ensure that organisations providing **legal assistance and/or representation** to applicants for international protection have **swift** access to the border crossing points, including transit zones, and detention facilities ■ [Am. 23]

Member States may provide for rules covering the presence of such organisations in the areas referred to in this Article, **as long as they do not limit access by applicants to advice and counselling**. [Am. 24]

⁽¹⁾ OJ L 348, 24.12.2008, p. 98.

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Article 8

Right to remain in the Member State pending the examination of the application

1. Applicants shall be allowed to remain in the Member State, for the sole purpose of the procedure, until the determining authority has made a **final** decision, **including in cases where an applicant lodges an appeal, and for as long as a competent court or tribunal so authorises**. This right to remain shall not constitute an entitlement to a residence permit. [Am. 25]
2. Member States can make an exception only where a person makes a subsequent application as described in Article 34(7) or where they will surrender or extradite, as appropriate, a person either to another Member State pursuant to obligations in accordance with Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States ⁽¹⁾ or otherwise, or to a third country, with the exception of the country of origin of the applicant concerned, or to international criminal courts or tribunals.
3. A Member State may extradite an applicant to a third country pursuant to paragraph 2 only where an extradition decision will not result in direct or indirect refoulement in violation of international obligations of the Member State **or expose the applicant to inhuman or degrading treatment upon arrival in the third country**. [Am. 26]

Article 9

Requirements for the examination of applications

1. Member States shall ensure that applications for international protection are neither rejected nor excluded from examination on the sole ground that they have not been made as soon as possible.
2. Applications for international protection shall first be examined to determine whether applicants qualify as refugees. If not, they shall be examined to determine whether the applicants are eligible for subsidiary protection.
3. Member States shall ensure that decisions by the determining authority on applications for international protection are taken after an appropriate examination. To that end, Member States shall ensure that:
 - (a) applications are examined and decisions are taken individually, objectively and impartially;
 - (b) precise and up-to-date information is obtained from various sources, such as the United Nations High Commissioner for Refugees (UNHCR), the European Asylum Support Office **and international human rights organisations**, as to the general situation prevailing in the countries of origin of applicants and, where necessary, in countries through which they have transited, and that such information is made available to the personnel responsible for examining applications and taking decisions and, where the determining authority takes it into consideration for the purpose of taking a decision, to the applicant and his/her legal advisor; [Am. 27]
 - (c) the personnel examining applications and taking decisions have the knowledge with respect to relevant standards applicable in the field of asylum and refugee law **as well as human rights law and have completed the initial and follow-up training programme referred to in Article 4(1)**; [Am. 28]
 - (d) the personnel examining applications and taking decisions are instructed and have the possibility to seek advice, whenever necessary, from experts on particular issues, such as medical, cultural, child, gender, **religious or sexual orientation** issues; [Am. 29]

⁽¹⁾ OJ L 190, 18.7.2002, p. 1.

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(e) *the applicant and his/her legal advisor have access to information provided by the experts referred to in point (d).* [Am. 30]

4. The authorities referred to in Chapter V shall, through the determining authority or the applicant or otherwise, have access to the information referred to in paragraph 3(b), necessary for the fulfilment of their task.

5. Member States shall provide for rules concerning the translation of documents relevant for the examination of applications.

Article 10

Requirements for a decision by the determining authority

1. Member States shall ensure that decisions on applications for international protection are given in writing.

2. Member States shall also ensure that, where an application is rejected **or granted** with regard to refugee and/or subsidiary protection status, the reasons in fact and in law are **clearly** stated in the decision and information on how to challenge a negative decision is given in writing **at the time of issuing the decision and signed upon receipt by the recipient.** [Am. 31]

■ [Am. 32]

3. For the purposes of Article 6(4), and whenever the application is based on the same grounds, Member States may take one single decision, covering all dependants.

4. Paragraph 3 shall not apply to cases where disclosure of particular circumstances of a person to members of his/her family can jeopardize the interests of that person, including cases involving gender, **sexual orientation, gender identity** and/or age based persecution. In such cases, a separate decision shall be issued to the person concerned. [Am. 33]

Article 11

Guarantees for applicants for international protection

1. With respect to the procedures provided for in Chapter III, Member States shall ensure that all applicants for international protection enjoy the following guarantees:

(a) they shall be informed in a language which they **understand or** may reasonably be supposed to understand of the procedure to be followed and of their rights and obligations during the procedure and the possible consequences of not complying with their obligations and not cooperating with the authorities. They shall be informed of the time-frame, as well as the means at their disposal for fulfilling the obligation to submit the elements as referred to in Article 4 of Directive [...]/.../EU [the Qualification Directive]. This information shall be given in time to enable them to exercise the rights guaranteed in this Directive and to comply with the obligations described in Article 12; [Am. 34]

(b) they shall receive the services of an interpreter for submitting their case to the competent authorities whenever necessary. Member States shall consider it necessary to provide these services at least when the determining authority calls upon the applicant to be interviewed as referred to in Articles 13, 14, 15, 16 and 31 and appropriate communication cannot be ensured without such services. In this case and in other cases where the competent authorities call upon the applicant, these services shall be paid for out of public funds;

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- (c) they shall not be denied the opportunity to communicate with the UNHCR or with any other organisation providing legal advice or counselling to asylum seekers in accordance with national legislation of that Member State;
 - (d) they shall be given notice in reasonable time of the decision by the determining authority on their application for international protection. If a legal advisor or other counsellor is legally representing the applicant, Member States may choose to give notice of the decision to him/her instead of to the applicant for international protection;
 - (e) they shall be informed of the result of the decision by the determining authority in a language that they **understand or** may reasonably be supposed to understand when they are not assisted or represented by a legal advisor or other counsellor. The information provided shall include information on how to challenge a negative decision in accordance with the provisions of Article 10(2). [**Am. 35**]
2. With respect to the procedures provided for in Chapter V, Member States shall ensure that all applicants enjoy equivalent guarantees to the ones referred to in paragraph 1(b), (c) and (d) of this Article.

Article 12

Obligations of the applicants for international protection

1. Applicants for international protection shall **be required to assist, to the extent of their physical and psychological capacities, in clarifying the situation and to reveal** their identity, **nationality** and other elements referred to in Article 4(2) of Directive [...]/.../EU [the Qualification Directive] **to the competent authorities. If they are not in possession of a valid passport or a document in lieu of a passport, applicants shall be required to cooperate in obtaining an identity document. So long as applicants are permitted to remain in the Member State under international protection during the consideration of the application, they shall not be required to enter into contact with authorities of their country of origin if there is reason to fear persecution by that state.** Member States may impose upon applicants other obligations to cooperate with the competent authorities insofar as these obligations are necessary for the processing of the application. [**Am. 36**]
2. In particular, Member States may provide that:
- (a) applicants are required to report to the competent authorities or to appear before them in person, either without delay or at a specified time;
 - (b) applicants have to hand over documents in their possession relevant to the examination of the application, such as their passports;
 - (c) applicants are required to inform the competent authorities of their current place of residence or address and of any changes thereof as soon as possible. Member States may provide that the applicant shall have to accept any communication at the most recent place of residence or address which he/she indicated accordingly;
 - (d) the competent authorities may search the applicant and the items he/she carries with him/her, provided the search is carried out by a person of the same sex **who is sensitive to the applicant's age and culture and fully respects the principle of human dignity and physical and mental integrity;** [**Am. 37**]
 - (e) the competent authorities may take a photograph of the applicant; and
 - (f) the competent authorities may record the applicant's oral statements, provided he/she has previously been informed thereof.

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Article 13

Personal interview

1. Before a decision is taken by the determining authority, the applicant shall be given the opportunity of a personal interview on his/her application for international protection **in a language which he/she understands** with a person competent under national law to conduct such an interview. Interviews on **the admissibility of an application for international protection and on** the substance of an application for international protection shall always be conducted by the personnel of the determining authority. [Am. 38]

Where a person has made an application for international protection on behalf of his/her dependants, each adult to whom the applicant relates must be given the opportunity to express his/her opinion in private and to be interviewed on his/her application.

Member States **shall** determine in national legislation the cases in which a minor shall be given the opportunity of a personal interview, **taking due account of the child's best interests and special needs**. [Am. 39]

2. The personal interview on the substance of the application may be omitted where:

- (a) the determining authority is able to take a positive decision with regard to refugee status on the basis of evidence available; or
- (b) the **determining** authority is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his/her control. When in doubt, the **determining** authority shall consult a medical expert to establish whether the condition is temporary or permanent. [Am. 40]

Where the **determining authority** does not provide the applicant with the opportunity for a personal interview pursuant to point (b), or where applicable, to the dependant, **the determining authority** shall **■** allow the applicant or the dependant to **reschedule the personal interview and to** submit further information. [Am. 41]

■ [Am. 42]

3. The absence of a personal interview pursuant to paragraph 2(b) shall not adversely affect the decision of the determining authority.

4. Irrespective of Article 25(1), Member States, when deciding on the application for international protection, may take into account the fact that the applicant failed to appear for the personal interview, unless he/she had good reasons for the failure to appear.

Article 14

Requirements for a personal interview

1. A personal interview shall normally take place without the presence of family members unless the determining authority considers it necessary for an appropriate examination to have other family members present.

2. A personal interview shall take place under conditions which ensure appropriate confidentiality.

3. Member States shall take appropriate steps to ensure that personal interviews are conducted under conditions which allow applicants to present the grounds for their applications in a comprehensive manner. To that end, Member States shall:

- (a) ensure that the person who conducts the interview is **qualified, trained and** competent to take account of the personal **and** general circumstances surrounding the application, including the applicant's cultural origin, gender, **sexual orientation, gender identity**, or vulnerability; [Am. 43]

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- (b) wherever possible, provide for the interview with the applicant to be conducted by a person of the same sex if the applicant concerned so requests;
 - (c) select a competent interpreter who is able to ensure appropriate communication between the applicant and the person who conducts the interview **and is required to comply with a code of conduct laying down the rights and duties of the interpreter**. The communication need not necessarily take place in the language preferred by the applicant if there is another language which he/she understands and in which he/she is able to communicate clearly. Wherever possible, Member States shall provide an interpreter of the same sex if the applicant so requests; [Am. 44]
 - (d) ensure that the person who conducts an interview on the substance of an application for international protection does not wear a uniform;
 - (e) ensure that interviews with minors are conducted in a child-friendly manner **and by a person with the necessary knowledge of the special needs and rights of minors**. [Am. 45]
4. Member States may provide for rules concerning the presence of third parties at a personal interview.

Article 15

Content of a personal interview

When conducting a personal interview on the substance of an application for international protection, the determining authority shall ensure that the applicant has an adequate opportunity to present elements needed to substantiate his/her application for international protection in accordance with Article 4(1) and (2) of Directive [.../.../EU] [the Qualification Directive]. To that end, Member States shall ensure that:

- (a) questions addressed to the applicant are relevant to the assessment of whether he/she is in need of international protection in accordance with Directive [.../.../EU] [the Qualification Directive];
- (b) the applicant has an adequate opportunity to give an explanation regarding elements needed to substantiate the application which may be missing and/or any inconsistencies or contradictions in his/her statements.

Article 16

Transcript and report of personal interviews

1. Member States shall ensure that a transcript is made of every personal interview.
2. Member States shall request the applicant's approval on the contents of the transcript at the end of the personal interview. To that end, Member States shall ensure that the applicant has the opportunity to make comments and/or provide clarifications with regard to any mistranslations or misconceptions appearing in the transcript.
3. Where an applicant refuses to approve the contents of the transcript, the reasons for this refusal shall be entered into the applicant's file.

The refusal of an applicant to approve the contents of the transcript shall not prevent the determining authority from taking a decision on his/her application.

4. Without prejudice to paragraphs 1 and 2, Member States may ensure that a written report is made of a personal interview, containing at least the essential information regarding the application, as presented by the applicant. In such cases, Member States shall ensure that the transcript of the personal interview is annexed to the report.

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5. Member States shall ensure that applicants have timely access to the transcript and, where applicable, the report of the personal interview before the determining authority takes a decision.

Article 17

Medico-legal reports

1. Member States shall allow applicants, upon request, to have a medical examination carried out in order to support statements in relation to past persecution or serious harm. To that end, Member States shall grant applicants a reasonable period to submit a medical certificate to the determining authority.

2. Without prejudice to paragraph 1, in cases where there are reasonable grounds to consider that the applicant suffers from post-traumatic stress disorder, the determining authority, subject to the consent of the applicant, shall ensure that a medical examination is carried out.

3. Member States shall provide for relevant arrangements in order to ensure that impartial and qualified medical expertise is made available for the purpose of a medical examination referred to in paragraph 2 **and that the less invasive medical examination is selected when the applicant is a minor.** [Am. 46]

4. Member States shall provide for further rules and arrangements for identification and documentation of symptoms of torture and other forms of physical, sexual or psychological violence, relevant to the application of this Article.

5. Member States shall ensure that persons interviewing applicants in accordance with this Directive receive training with regard to the identification of symptoms of torture.

6. The results of medical examinations referred to in paragraphs 1 and 2 shall be assessed by the determining authority along with other elements of the application. They shall, in particular, be taken into account when establishing whether the applicant's statements are credible and sufficient.

Article 18

Right to **advice on procedural and legal aspects**, legal assistance and representation [Am. 47]

1. Applicants for international protection shall be given the opportunity to consult in an effective manner a legal advisor or other counsellor, admitted or permitted as such under national law, on matters relating to their applications for international protection, at all stages of the procedure, including following a negative decision.

2. Member States shall ensure that free legal assistance and/or representation be granted on request, subject to the provisions of paragraph 3. To that end, Member States shall:

(a) provide for free **advice on procedural and legal aspects** in procedures in accordance with Chapter III. This shall include, at least, the provision of information on the procedure to the applicant in the light of his/her particular circumstances, **preparation of the necessary procedural documents, including during the personal interview**, and explanations of reasons in fact and in law in the case of a negative decision. **Such advice may be delivered by a qualified non-governmental organisation or by qualified professionals.** [Am. 48]

(b) provide for free legal assistance **and** representation in procedures in accordance with Chapter V. This shall include, at least, the preparation of the required procedural documents and participation in the hearing before a court or tribunal of first instance on behalf of the applicant. [Am. not concerning all languages]

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3. Member States may provide in their national legislation that free legal assistance and/or representation is granted:

- (a) only to those who lack sufficient resources; and/or
- (b) only **for the services provided by** legal advisors or other counsellors specifically designated by national law to assist and/or represent applicants for international protection. [Am. 50]

With respect to the procedures provided for in Chapter V, Member States may choose to only make free legal assistance and/or representation available to applicants insofar as such assistance is necessary to ensure their effective access to justice. Member States shall ensure that legal assistance and/or representation granted pursuant to this paragraph is not arbitrarily restricted. **Member States may choose to grant such legal assistance and/or representation only if there is a sufficient prospect of success as assessed by the court.** [Am. 51]

4. Rules concerning the modalities for filing and processing requests for legal assistance and/or representation may be provided by Member States.

5. Member States **shall allow and facilitate the provision by** non-governmental organisations **of** free legal assistance and/or representation to applicants for international protection in procedures provided for in Chapter III and/or Chapter V. [Am. 52]

6. Member States may also:

- (a) impose monetary and/or time-limits on the provision of free legal assistance and/or representation, provided that such limits do not arbitrarily restrict access to legal assistance and/or representation;
- (b) provide that, as regards fees and other costs, the treatment of applicants shall not be more favourable than the treatment generally accorded to their nationals in matters pertaining to legal assistance.

7. Member States may demand to be reimbursed wholly or partially for any expenses granted if and when the applicant's financial situation has improved considerably or if the decision to grant such benefits was taken on the basis of false information supplied by the applicant.

Article 19

Scope of legal assistance and representation

1. Member States shall ensure that a legal advisor or other counsellor admitted or permitted as such under national law, and who assists or represents an applicant for international protection under the terms of national law, shall enjoy access to the information in the applicant's file upon which a decision is or will be made.

Member States may make an exception where disclosure of information or sources would jeopardise national security, the security of the organisations or person(s) providing the information or the security of the person(s) to whom the information relates or where the investigative interests relating to the examination of applications for international protection by the competent authorities of the Member States or the international relations of the Member States would be compromised. In these cases, Member States shall:

- (a) grant access to the information or sources in question at least to a legal advisor or counsellor who has undergone a security check, insofar as the information is relevant to the examination of the application or taking a decision to withdraw international protection;
- (b) make access to the information or sources in question available to the authorities referred to in Chapter V.

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2. Member States shall ensure that the legal advisor or other counsellor who assists or represents an applicant for international protection has access to closed areas, such as detention facilities and transit zones, for the purpose of consulting that applicant.

Member States may only limit the possibility of visiting applicants in closed areas where such limitation is, by virtue of national legislation, objectively necessary for the security, public order or administrative management of the area, or in order to ensure an efficient examination of the application, provided that access by the legal advisor or other counsellor is not thereby severely limited or rendered impossible.

3. Member States shall allow the applicant to bring to the personal interview a legal advisor or other counsellor admitted or permitted as such under national law, **or a qualified professional**. [Am. 53]

4. Member States may provide rules covering the presence of legal advisors or other counsellors at all interviews in the procedure, without prejudice to this Article or to Article 21(1)(b).

Member States may require the presence of the applicant at the personal interview, even if he/she is represented under the terms of national law by such a legal advisor or counsellor, and may require the applicant to respond in person to the questions asked.

The absence of a legal advisor or other counsellor shall not prevent the determining authority from conducting the personal interview with the applicant, without prejudice to Article 21(1)(b).

Article 20

Applicants with special needs

1. **In accordance with Article 21 of Directive [...]/.../EU [laying down minimum standards for the reception of asylum seekers (the Reception Conditions Directive)], Member States shall establish procedures in national law with a view to identifying, as soon as an application for international protection is lodged, whether the applicant has special needs and indicating the nature of such needs.** [Am. 54]

2. Member States shall take appropriate measures to ensure that applicants with special needs are given the opportunity to present the elements of an application as completely as possible and with all available evidence. Where needed, they shall be granted time extensions to enable them to submit evidence or take other necessary steps in the procedure.

3. In cases where the determining authority consider that an applicant has been subjected to torture, rape or other serious forms of psychological, physical or sexual violence as described in Article 21 of Directive [...]/.../EU [the Reception Conditions Directive], the applicant shall be granted sufficient time and relevant support to prepare for a personal interview on the substance of his/her application. **Particular attention shall be given to those applicants who did not mention their sexual orientation at the outset.** [Am. 55]

4. Article 28(6) and (7) shall not apply to the applicants referred to in paragraph 3 of this Article.

5. **In accordance with the conditions laid down in Article 18, applicants with special needs shall enjoy free legal assistance in all procedures provided for in this Directive.** [Am. 56]

Article 21

Guarantees for unaccompanied minors

1. With respect to all procedures provided for in this Directive and without prejudice to Articles 13, 14 and 15, Member States shall:

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- (a) **immediately** take measures to ensure that a representative represents and assists the unaccompanied minor with respect to the lodging and the examination of the application. The representative shall be impartial and have the necessary expertise in the field of childcare. This representative can also be the representative referred to in Directive [...]/.../EU [the Reception Conditions Directive]; **[Am. not concerning all languages]**
- (b) ensure that the representative is given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare himself/herself for the personal interview. Member States shall ensure that a representative and/or a legal advisor or other counsellor admitted as such under national law **or qualified professional** are present at that interview and have an opportunity to ask questions or make comments, within the framework set by the person who conducts the interview. **[Am. 58]**

Member States may require the presence of the unaccompanied minor at the personal interview, even if the representative is present.

■ **[Am. 59]**

2. Member States shall ensure that:

- (a) If an unaccompanied minor has a personal interview on his/her application for international protection as referred to in Articles 13, 14 and 15 that interview is conducted by a person who has the necessary knowledge of the special needs **and rights** of minors; **[Am. 60]**
- (b) an official with the necessary knowledge of the special needs **and rights** of minors prepares the decision by the determining authority on the application of an unaccompanied minor. **[Am. 61]**

3. Subject to the conditions set out in Article 18, unaccompanied minors **together with their appointed representative** shall, **with respect to all procedures provided for in this Directive**, be granted free legal **advice on procedural and legal aspects and free legal representation**. **[Am. 62]**

4. Member States may use medical examinations to determine the age of unaccompanied minors within the framework of the examination of an application for international protection, where, following his/her general statements or other relevant evidence, Member States still have doubts concerning his/her age. **If those doubts persist after the medical examination, any decision shall always be for the benefit of the unaccompanied minor**. **[Am. 63]**

Any medical examination shall be performed in full respect of the individual's dignity, selecting **the most reliable and** the less invasive exams **and carried out by qualified and impartial medical experts**. **[Am. 65]**

In cases where medical examinations are used, Member States shall ensure that:

- (a) unaccompanied minors are informed prior to the examination of their application for international protection, and in a language which they **may reasonably be supposed to** understand, of the possibility that their age may be determined by medical examination. This shall include information on the method of examination and the possible consequences of the result of the medical examination for the examination of the application for international protection, as well as the consequences of refusal on the part of the unaccompanied minor to undergo the medical examination; **[Am. 66]**
- (b) unaccompanied minors and/or their representatives consent to an examination to determine the age of the minors concerned; and
- (c) the decision to reject an application for international protection from an unaccompanied minor who refused to undergo this medical examination shall not be based ■ on that refusal. **[Am. 67]**

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The fact that an unaccompanied minor has refused to undergo such a medical examination shall not prevent the determining authority from taking a decision on the application for international protection.

5. Article 28(6) and (7), Article 30(2)(c), and Article 36 shall not apply to unaccompanied minors.

6. The best interests of the child shall be a primary consideration for Member States when implementing this Article.

Article 22

Detention

1. Member States shall not hold a person in detention for the sole reason that he/she is an applicant for international protection. Grounds and conditions of detention as well as guarantees available to detained applicants for international protection shall be in accordance with Directive [...]/.../EU] [the Reception Conditions Directive].

2. Where an applicant for international protection is held in detention, Member States shall ensure that there is a possibility of speedy judicial review in accordance with Directive [...]/.../EU] [the Reception Conditions Directive].

Article 23

Detention of minors

The detention of minors shall be strictly prohibited in all circumstances. [Am. 68]

Article 24

Procedure in case of withdrawal of the application

1. Insofar as Member States provide for the possibility of explicit withdrawal of the application under national law, when an applicant explicitly withdraws his/her application for international protection, Member States shall ensure that the determining authority takes a decision to **discontinue the examination, and explain to the applicant the consequences of the withdrawal.** [Am. 69]

2. Member States may also decide that the determining authority can decide to discontinue the examination without taking a decision. In this case, Member States shall ensure that the determining authority enters a notice in the applicant's file.

Article 25

Procedure in the case of implicit withdrawal or abandonment of the application

1. When there is reasonable cause to consider that an applicant for asylum has implicitly withdrawn, or abandoned his/her application for asylum **without reasonable cause**, Member States shall ensure that the determining authority takes a decision to **either** discontinue the examination **or reject the application on the basis that the applicant has not established an entitlement to refugee status in accordance with Directive [...]/.../EU] [the Qualification Directive], if he/she in the addition to the above-mentioned reasons:**

— ***has refused to cooperate, or***

— ***has absconded illegally, or***

— ***in all likelihood has no right to international protection, or***

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— *originates from or has transited via a safe third country in accordance with Article 37.* [Am. 103]

Member States may assume that the applicant has implicitly withdrawn or abandoned his/her application for international protection in particular when it is ascertained that:

- (a) he/she has failed to respond to requests to provide information essential to his/her application in terms of Article 4 of Directive [...] [the Qualification Directive] or has not appeared for a personal interview as provided for in Articles 13, 14, 15 and 16, unless the applicant demonstrates within a reasonable time that his/her failure was due to circumstances beyond his control;
- (b) he/she has absconded or left without authorisation the place where he/she lived or was held, without contacting the competent authority within a reasonable time, or he/she has not within a reasonable time complied with reporting duties or other obligations to communicate.

For the purposes of implementing these provisions, Member States may lay down time-limits or guidelines.

2. Member States shall ensure that the applicant who reports again to the competent authority after a decision to discontinue as referred to in paragraph 1 is taken, is entitled to request that his/her case be reopened. ***Only one request for a case to be reopened may be submitted during an asylum procedure.*** [Am. 70]

Member States shall ensure that such a person is not removed contrary to the principle of non-refoulement.

Member States may allow the determining authority to take up the examination at the stage where it was discontinued.

3. This Article shall be without prejudice to Regulation (EU) No [...] [the Dublin Regulation].

Article 26

The role of UNHCR

1. Member States shall allow the UNHCR:
 - (a) to have access to applicants for international protection, including those in detention and in airport or port transit zones;
 - (b) to have access to information on individual applications for international protection, on the course of the procedure and on the decisions taken, provided that the applicant agrees thereto;
 - (c) to present its views, in the exercise of its supervisory responsibilities under Article 35 of the Geneva Convention, to any competent authorities regarding individual applications for international protection at any stage of the procedure.
2. Paragraph 1 shall also apply to an organization which is working in the territory of the Member State concerned on behalf of UNHCR pursuant to an agreement with that Member State.

Article 27

Collection of information on individual cases

For the purposes of examining individual cases, Member States shall not:

- (a) disclose information regarding individual applications for international protection, or the fact that an application has been made, to the alleged actor(s) of persecution or serious harm;

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- (b) obtain any information from the alleged actor(s) of persecution or serious harm in a manner that would result in such actor(s) being informed of the fact that an application has been made by the applicant in question, and would jeopardise the physical integrity of the applicant and his/her dependants, or the liberty and security of his/her family members still living in the country of origin. [Am. 71]

CHAPTER III

PROCEDURES AT FIRST INSTANCE

SECTION I

Article 28

Examination procedure

1. Member States shall process applications for international protection in an examination procedure in accordance with the basic principles and guarantees of Chapter II.
2. Member States shall ensure that such a procedure is concluded as soon as possible, without prejudice to an adequate and complete examination.
3. Member States shall ensure that a procedure is concluded within 6 months after the application is lodged.

Member States may extend that time limit for a period not exceeding a further 6 months in individual cases involving complex issues of fact and law.

4. Member States shall ensure that, where a decision cannot be taken within the time period referred to in subparagraph 1 of paragraph 3, the applicant concerned shall:
 - (a) be informed of the delay; and
 - (b) receive, upon his/her request, information on the reasons for the delay and the time-frame within which the decision on his/her application is to be expected.

The consequences of failure to adopt a decision within the time limits provided for in paragraph 3 shall be determined in accordance with national law.

5. *The determining authorities* may prioritise an examination of an application for international protection in accordance with the basic principles and guarantees of Chapter II: [Am. 73]
 - (a) where the application is likely to be well founded;
 - (b) where the applicant has special needs, *in particular unaccompanied minors*; [Am. 74]
 - (c) in other cases with the exception of applications referred to in paragraph 6.

6. Member States may provide that an examination procedure in accordance with the basic principles and guarantees of Chapter II be accelerated if:
 - (a) the applicant, in submitting his/her application and presenting the facts, has only raised issues that are not relevant to the examination of whether he/she qualifies as a refugee or a person eligible for subsidiary protection by virtue of Directive [...]/EU [the Qualification Directive]; or

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- (b) *the applicant clearly does not qualify as a refugee or for refugee status in a Member State under Directive [...]/.../EU] [the Qualification Directive]; or [Am. 105]*
- (c) the applicant is from a safe country of origin within the meaning of this Directive; or
- (d) the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his/her identity and/or nationality that could have had a negative impact on the decision; or
- (e) it is likely that, in bad faith, he/she has destroyed or disposed of an identity or travel document that would have helped establish his/her identity or nationality; or
- (f) *the applicant has made clearly inconsistent, contradictory, improbable, insufficient or false representations which make his/her claim plainly unconvincing in relation to his/her having been the object of persecution referred to in Directive [...]/.../EU] [the Qualification Directive]; or [Am. 75]*
- (g) *the applicant has submitted a subsequent application which clearly does not raise any relevant new elements with respect to his/her particular circumstances or to the situation in his/her country of origin; or [Am. 107]*
- (h) *the applicant has failed without reasonable cause to make his/her application earlier, having had opportunity to do so; or [Am. 108]*

■ [Am. 76]

- (i) the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his/her removal; or
- (j) *the applicant has failed without good reason to comply with his/her obligations to cooperate in the examination of the facts of his/her case and the establishment of his/her identity referred to in Article 4(1) and (2) of Directive [...]/.../EU] [the Qualification Directive] or in Article 12(1) and (2)(a), (b) and (c) and Article 25(1) of this Directive; or [Am. 109]*
- (k) *the applicant entered the territory of the Member State unlawfully or extended his/her stay unlawfully and, without good reason, has either not presented himself/herself to the authorities and/or filed an application for asylum as soon as possible, given the circumstances of his/her entry; or [Am. 110]*
- (l) *the applicant may for serious reasons be considered a danger to the national security of the Member State, or the applicant has been forcibly expelled for serious reasons of public security and public order under national law. [Am. 77]*

7. In cases of unfounded applications, as referred to in Article 29, in which any of the circumstances listed in paragraph 6 of this Article apply, Member States may reject an application as manifestly unfounded following an adequate and complete examination.

8. Member States shall lay down reasonable time limits for the adoption of a decision in the procedure at first instance pursuant to paragraph 6.

9. The fact that an application for international protection was submitted after an irregular entry into the territory or at the border, including in transit zones, as well as the lack of documents *on entry* or *the* use of forged documents, shall not per se entail an automatic recourse to an accelerated examination procedure. [Am. 78]

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Article 29

Unfounded applications

Member States shall only consider an application for international protection as unfounded if the determining authority has established that the applicant does not qualify for international protection pursuant to Directive [...] [the Qualification Directive]. [Am. 79]

SECTION II

Article 30

Inadmissible applications

1. In addition to cases in which an application is not examined in accordance with Regulation (EU) [...] [the Dublin Regulation], Member States are not required to examine whether the applicant qualifies for international protection in accordance with Directive [...] [the Qualification Directive] where an application is considered inadmissible pursuant to this Article.

2. Member States may consider an application for international protection as inadmissible only if:

- (a) another Member State has granted refugee status;
- (b) a country which is not a Member State is considered as a first country of asylum for the applicant, pursuant to Article 32;
- (c) a country which is not a Member State is considered as a safe third country for the applicant, pursuant to Article 37;
- (d) the applicant has lodged an identical application after a final decision;
- (e) a dependant of the applicant lodges an application, after he/she has in accordance with Article 6(4) consented to have his/her case be part of an application made on his/her behalf, and there are no facts relating to the dependant's situation, which justify a separate application.

Article 31

Special rules on an admissibility interview

1. Member States shall allow applicants to present their views with regard to the application of the grounds referred to in Article 30 in their particular circumstances before a decision to consider an application inadmissible is taken. To that end, **the determining authority** shall conduct a personal interview on the admissibility of the application. Member States may make an exception only in accordance with Article 35 in cases of subsequent applications. [Am. 80]

2. Paragraph 1 shall be without prejudice to Article 5 of Regulation (EU) No [...] [the Dublin Regulation].

3. Member States shall ensure that the member of staff of the determining authority who conducts the interview on the admissibility of the application does not wear a uniform. [Am. 81]

Article 32

The concept of first country of asylum

A country can be considered to be a first country of asylum for a particular applicant for international protection if:

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- (a) he/she has been recognised in that country as a refugee and he/she can still avail himself/herself of that protection; or
- (b) he/she otherwise enjoys *effective* protection in that country, including benefiting from the principle of non-refoulement; [Am. 82]

provided that he/she will be readmitted to that country.

In applying the concept of first country of asylum to the particular circumstances of an applicant for international protection Member States *shall* take into account Article 37(1).

The applicant shall be allowed to challenge the application of the concept of first country of asylum on the grounds that the first country of asylum in question is not safe in his or her particular case. [Am. 83]

■ [Am. 84]

SECTION III

■ [Am. 85]

Article 33

The safe country of origin concept

1. A third country designated as a safe country of origin in accordance with this Directive may, after an individual examination of the application, be considered as a safe country of origin for a particular applicant only if:

- (a) he/she has the nationality of that country; or
- (b) he/she is a stateless person and was formerly habitually resident in that country;
- (c) and he/she has not submitted any serious grounds for considering the country not to be a safe country of origin in his/her particular circumstances and in terms of his/her qualification as a refugee or a person eligible for subsidiary protection in accordance with Directive [...]/.../EU] [the Qualification Directive].

2. Member States shall lay down in national legislation further rules and modalities for the application of the safe country of origin concept.

SECTION IV

Article 34

Subsequent application

1. Where a person who has applied for international protection in a Member State makes further representations or a subsequent application in the same Member State, that Member State shall examine these further representations or the elements of the subsequent application in the framework of the examination of the previous application or in the framework of the examination of the decision under review or appeal, insofar as the *determining authority* can take into account and consider all the elements underlying the further representations or subsequent application within this framework. [Am. 87]

2. For the purpose of taking a decision on the admissibility of an application for international protection pursuant to Article 30(2)(d), Member States may apply a specific procedure as referred to in paragraph 3 of this Article, where a person makes a subsequent application for international protection:

- (a) after his/her previous application has been withdrawn by virtue of Article 24;
- (b) after a final decision has been taken on the previous application.

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3. A subsequent application for international protection shall be subject first to a preliminary examination as to whether, after the withdrawal of the previous application or after the decision referred to in paragraph 2(b) on this application has been reached, new elements or findings relating to the examination of whether he/she qualifies as a refugee or a person eligible for subsidiary protection by virtue of Directive [...]/.../EU [the Qualification Directive] have arisen or have been presented by the applicant.

4. If, following the preliminary examination referred to in paragraph 3, new elements or findings arise or are presented by the applicant which significantly add to the likelihood of the applicant qualifying as a refugee or a person eligible for subsidiary protection by virtue of Directive [...]/.../EU [the Qualification Directive], the application shall be further examined in conformity with Chapter II.

5. Member States may, in accordance with national legislation, further examine a subsequent application where there are other reasons why a procedure has to be re-opened.

■ [Am. 88]

6. The procedure referred to in this Article may also be applicable in the case of a dependant who lodges an application after he/she has, in accordance with Article 6(4), consented to have his/her case be part of an application made on his/her behalf. In this case the preliminary examination referred to in paragraph 3 of this Article will consist of examining whether there are facts relating to the dependant's situation which justify a separate application.

7. If, **after the procedure relating to the initial application has been terminated pursuant to paragraph 2**, the person concerned lodges a new application for international protection in the same Member State before a return decision has been enforced, **and that new application does not lead to a further examination pursuant to this Article**, that Member State may: [Am. 113]

- (a) make an exception to the right to remain in the territory, provided the determining authority is satisfied that a return decision will not lead to direct or indirect *refoulement* in violation of international and Community obligations of that Member State; and/or
- (b) provide that the application be subjected to the admissibility procedure in accordance with this Article and Article 30; and/or
- (c) provide that an examination procedure be accelerated in accordance with Article 28(6)(i).

In cases referred to in points (b) and (c) of the first subparagraph, Member States may derogate from the time limits normally applicable in the admissibility and/or accelerated procedures, in accordance with national legislation.

8. Where a person with regard to whom a transfer decision has to be enforced pursuant to Regulation (EU) [No .../...] [the Dublin Regulation] makes further representations or a subsequent application in the transferring Member State, those representations or subsequent applications shall be examined by the responsible Member State, as defined in that Regulation, in accordance with this Directive.

Article 35

Procedural rules

- 1. Member States shall ensure that applicants for international protection whose application is subject to a preliminary examination pursuant to Article 34 enjoy the guarantees provided for in Article 11(1).
- 2. Member States may lay down in national law rules on the preliminary examination pursuant to Article 34. Those rules may, inter alia:

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- (a) oblige the applicant concerned to indicate facts and substantiate evidence which justify a new procedure;
- (b) permit the preliminary examination to be conducted on the sole basis of written submissions without a personal interview, with the exception of cases referred to in Article 34(6).

The conditions shall not render impossible the access of applicants to a new procedure or result in the effective annulment or severe curtailment of such access.

3. Member States shall ensure that:

- (a) the applicant is informed in an appropriate manner of the outcome of the preliminary examination and, in case the application will not be further examined, of the reasons for this and the possibilities for seeking an appeal or review of the decision;
- (b) if one of the situations referred to in Article 34(3) applies, the determining authority shall further examine the subsequent application in conformity with the provisions of Chapter II as soon as possible.

SECTION V

Article 36

Border procedures

1. Member States may provide for procedures, in accordance with the basic principles and guarantees of Chapter II, in order to decide at the border or transit zones of the Member State on:

- (a) the admissibility of an application, **within the meaning of Article 30**, made at such locations; and/or [Am. 89]
- (b) the substance of an application in an accelerated procedure pursuant to Article 28(6).

2. Member States shall ensure that a decision in the framework of the procedures provided for in paragraph 1 is taken within a reasonable time. When a decision has not been taken within four weeks, the applicant shall be granted entry to the territory of the Member State in order for his/her application to be processed in accordance with the other provisions of this Directive. **The holding of applicants at Member States' borders or transit zones is equivalent to placing them in detention, as referred to in Article 22.** [Am. 90]

3. In the event of arrivals involving a large number of third country nationals or stateless persons lodging applications for international protection at the border or in a transit zone, which makes it practically impossible to apply there the provisions of paragraph 1, those procedures may also be applied where and for as long as these third country nationals or stateless persons are accommodated normally at locations in proximity to the border or transit zone.

SECTION VI

Article 37

The safe third countries concept

■

1. A third country may only be considered as a safe third country ■ where **a person seeking international protection will be treated in accordance with the following principles and conditions in the third country concerned:**

- (a) **life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;**

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- (b) *there is no risk of serious harm as defined in Directive [...]/.../EU [the Qualification Directive];*
- (c) *the principle of non-refoulement in accordance with the Geneva Convention is respected;*
- (d) *the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected;*
- (e) *the possibility exists to request refugee status or another complementary form of protection comparable to that granted under Directive [...]/.../EU [the Qualification Directive] and, if granted such status or protection, to receive protection comparable to that afforded under that Directive;*
- (f) *it has ratified and observes the provisions of the Geneva Convention without any geographical limitations;*
- (g) *it has in place an asylum procedure prescribed by law; and*
- (h) *it has been so designated by the European Parliament and the Council in accordance with paragraph 2.*

2. *The European Parliament and the Council shall, acting in accordance with the ordinary legislative procedure, adopt or amend a common list of third countries that shall be regarded as safe third countries for the purposes of paragraph 1.*

3. The Member States concerned shall lay down in national law the modalities for implementing the provisions of paragraph 1 and **rules requiring:**

- (a) *a connection between the person seeking international protection and the third country concerned on the basis of which it would be reasonable for that person to go to that country;*
- (b) *methodology by which the competent authorities satisfy themselves that the safe third country concept may be applied to a particular country or to a particular applicant. Such methodology shall include case-by-case consideration of the safety of the country for a particular applicant;*
- (c) *rules in accordance with international law, allowing an individual examination of whether the third country concerned is safe for a particular applicant which, as a minimum, shall permit the applicant to challenge the application of the safe third country concept on the grounds that the third country is not safe in his/her particular circumstances. The applicant shall also be allowed to challenge the existence of a connection between him/her and the third country in accordance with point (a).*

4. When implementing a decision **■** based on this Article, the Member States concerned shall **■** inform the applicant accordingly **■**.

5. Where the safe third country does not re-admit the applicant for asylum, Member States shall ensure that access to a procedure is given in accordance with the basic principles and guarantees described in Chapter II.

6. *Member States shall not designate national lists of safe countries of origin or national lists of safe third countries. [Am. 91]*

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CHAPTER IV

PROCEDURES FOR THE WITHDRAWAL OF INTERNATIONAL PROTECTION

Article 38

Withdrawal of international protection

Member States shall ensure that an examination to withdraw the international protection of a particular person may commence when new elements or findings arise indicating that there are reasons to reconsider the validity of his/her international protection.

Article 39

Procedural rules

1. Member States shall ensure that, where the competent authority is considering withdrawing the international protection of a third country national or stateless person in accordance with Article 14 or Article 19 of Directive [.../.../EU] [the Qualification Directive], the person concerned shall enjoy the following guarantees:

- (a) to be informed in writing that the competent authority is reconsidering his or her qualification for international protection and the reasons for such a reconsideration; and
- (b) to be given the opportunity to submit, in a personal interview in accordance with Article 11(1)(b) and Articles 13, 14 and 15 or in a written statement, reasons as to why his/her international protection should not be withdrawn.

In addition, Member States shall ensure that within the framework of such a procedure:

- (a) the competent authority is able to obtain precise and up-to-date information from various sources, such as, where appropriate, from the UNHCR and the European Asylum Support Office, as to the general situation prevailing in the countries of origin of the persons concerned; and
- (b) where information on an individual case is collected for the purposes of reconsidering the international protection, it is not obtained from the actor(s) of persecution or serious harm in a manner that would result in such actor(s) being directly informed of the fact that the person concerned is a beneficiary of international protection whose status is under reconsideration, nor jeopardise the physical integrity of the person and his/her dependants, or the liberty and security of his/her family members still living in the country of origin.

2. Member States shall ensure that the decision of the competent authority to withdraw the international protection is given in writing. The reasons in fact and in law shall be stated in the decision and information on how to challenge the decision shall be given in writing.

3. Once the competent authority has taken the decision to withdraw the international protection, Article 18, paragraph 2, Article 19, paragraph 1 and Article 26 are equally applicable.

4. By derogation to paragraphs 1, 2 and 3 of this Article, Member States may decide that the international protection shall lapse by law if the beneficiary of international protection has unequivocally renounced his/her recognition as a beneficiary of international protection.

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CHAPTER V

APPEALS PROCEDURES

Article 40

The right to an effective remedy

1. Member States shall ensure that applicants for international protection have the right to an effective remedy before a court or tribunal, against the following:

- (a) a decision taken on their application for international protection, including a decision:
 - (i) to consider an application unfounded in relation to refugee status and/or subsidiary protection status,
 - (ii) to consider an application inadmissible pursuant to Article 30,
 - (iii) taken at the border or in the transit zones of a Member State as described in Article 36(1),
 - (iv) not to conduct an examination pursuant to Article 37;
- (b) a refusal to re-open the examination of an application after its discontinuation pursuant to Articles 24 and 25;
- (c) a decision to withdraw international protection pursuant to Article 39.

2. Member States shall ensure that persons recognized by the determining authority as eligible for subsidiary protection have the right to an effective remedy as referred to in paragraph 1 against a decision to consider an application unfounded in relation to refugee status. The person concerned shall be entitled to the rights and benefits guaranteed to beneficiaries of subsidiary protection pursuant to Directive [...]/.../EU] [the Qualification Directive] pending the outcome of the appeal procedures.

3. Member States shall ensure that the effective remedy referred to in paragraph 1 provides for a full examination of both facts and points of law, including an ex nunc examination of the international protection needs pursuant to Directive [...]/.../EU] [the Qualification Directive], at least in appeal procedures before a court or tribunal of first instance.

4. Member States shall provide for **minimum** time-limits and other necessary rules for the applicant to exercise his/her right to an effective remedy pursuant to paragraph 1. [Am. 92]

The Member States shall set a minimum time limit of 45 working days during which applicants may exercise their right to an effective remedy. For applicants under the accelerated procedure referred to in Article 28(6), the Member States shall lay down a minimum time limit of thirty working days. The time limits shall not render impossible or excessively difficult the access of applicants to an effective remedy pursuant to paragraph 1. Member States may also provide for an ex officio review of decisions taken pursuant to Article 36. [Am. 93]

5. Without prejudice to paragraph 6, the remedy provided for in paragraph 1 of this Article shall have the effect of allowing applicants to remain in the Member State concerned pending its outcome.

6. In the case of a decision taken in the accelerated procedure pursuant to Article 28(6) and of a decision to consider an application inadmissible pursuant to Article 30(2)(d), and **if, in such cases**, the right to remain in the Member State pending the outcome of the remedy is not foreseen under national legislation, a court or tribunal shall have the power to rule whether or not the applicant may remain on the territory of the Member State, either upon request of the concerned applicant or acting on its own motion. [Am. 94]

This paragraph shall not apply to procedures referred to in Article 36.

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7. Member States shall allow the applicant to remain in the territory pending the outcome of the procedure referred to in paragraph 6. **An exception may be made for subsequent applications which do not lead to a further examination pursuant to Articles 34 and 35, if a return decision pursuant to Article 3(4) of Directive 2008/115/EC has been taken, and for decisions in the procedure pursuant to Article 37 if this is provided for in national legislation.** [Am. 117]

8. Paragraphs 5, 6 and 7 of this Article shall be without prejudice to Article 26 of Regulation (EU) No [.../...] [the Dublin Regulation].

9. Member States shall lay down time-limits for the court or tribunal pursuant to paragraph 1 to examine the decision of the determining authority.

10. Where an applicant has been granted a status which offers the same rights and benefits under national and Union law as the refugee status by virtue of Directive [.../.../EU] [the Qualification Directive], the applicant may be considered as having an effective remedy where a court or tribunal decides that the remedy pursuant to paragraph 1 is inadmissible or unlikely to succeed on the basis of insufficient interest on the part of the applicant in maintaining the proceedings.

11. Member States may also lay down in national legislation the conditions under which it can be assumed that an applicant has implicitly withdrawn or abandoned his/her remedy pursuant to paragraph 1, together with the rules on the procedure to be followed.

CHAPTER VI

GENERAL AND FINAL PROVISIONS

Article 41

Challenge by public authorities

This Directive does not affect the possibility for public authorities of challenging the administrative and/or judicial decisions as provided for in national legislation.

Article 42

Confidentiality

Member States shall ensure that authorities implementing this Directive are bound by the confidentiality principle as defined in national law, in relation to any information they obtain in the course of their work.

Article 43

Cooperation

Member States shall each appoint a national contact point and communicate its address to the Commission. The Commission shall communicate that information to the other Member States.

Member States shall, in liaison with the Commission, take all appropriate measures to establish direct cooperation and an exchange of information between the competent authorities.

Article 44

Report

No later than [...], the Commission shall report to the European Parliament and the Council on the application **and the financial cost** of this Directive in the Member States and shall propose any amendments that are necessary. Member States shall send the Commission all the information **and financial data** that is appropriate for drawing up this report. After presenting the report, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States at least every **two** years. [Am. 95]

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Article 45

Transposition

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Articles [...] by [...] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 28(3) by ... ⁽¹⁾. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive. **[Am. 96]**

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the Directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.

Member States shall communicate to the Commission the text of the main provisions of national law covered by this Directive and a correlation table between those provisions and this Directive.

Article 46

Transitional provisions

Member States shall apply the laws, regulations and administrative provisions set out in paragraph 1 of Article 45 to applications for international protection lodged after [...] and to procedures for the withdrawal of international protection started after [...]. Applications submitted before [...] and procedures for the withdrawal of refugee status initiated before [...] shall be governed by the laws, regulations and administrative provisions in accordance with Directive 2005/85/EC.

Member States shall apply the laws, regulations and administrative provisions set out in paragraph 2 of Article 45 to applications for international protection lodged after [...] Applications submitted before [...] shall be governed by the laws, regulations and administrative provisions in accordance with Directive 2005/85/EC.

Article 47

Repeal

Directive 2005/85/EC is repealed with effect from [day after the date set out in the first paragraph of Article 45 of this Directive], without prejudice to the obligations of the Member States relating to the time-limit for transposition into national law of the Directive set out in Annex II, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.

Article 48

Entry into force

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

Articles [...] shall apply from [day after the date set out in the first paragraph of Article 45].

⁽¹⁾ **Two years** from the date of the transposition of this Directive.

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Article 49

Addressees

This Directive is addressed to the Member States in accordance with the Treaties.

Done at ...

For the European Parliament
The President

For the Council
The President

ANNEX I

Definition of 'determining authority'

When implementing the provision of this Directive, Ireland may, insofar as the provisions of section 17(1) of the Refugee Act 1996 (as amended) continue to apply, consider that:

- 'determining authority' provided for in Article 2(f) of this Directive shall, insofar as the examination of whether an applicant should or, as the case may be, should not be declared to be a refugee is concerned, mean the Office of the Refugee Applications Commissioner; and
- 'decisions at first instance' provided for in Article 2(f) of this Directive shall include recommendations of the Refugee Applications Commissioner as to whether an applicant should or, as the case may be, should not be declared to be a refugee.

Ireland will notify the Commission of any amendments to the provisions of section 17(1) of the Refugee Act 1996 (as amended).

■ [Am. 85]

ANNEX II

Part A

Repealed Directive

(referred to in Article 47)

Council Directive 2005/85/EC

(OJ L 326, 13.12.2005, p. 13)

Part B

Time-limit for transposition into national law

(referred to in Article 47)

Directive	Time-limits for transposition
2005/85/EC	First deadline: 1 December 2007 Second deadline: 1 December 2008

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ANNEX III

CORRELATION TABLE ⁽¹⁾

Directive 2005/85/EC	This directive
Article 1	Article 1
Article 2 (a)	Article 2 (a)
Article 2 (b)	Article 2 (b)
Article 2 (c)	Article 2 (c)
—	Article 2 (d)
Article 2 (d)	Article 2 (e)
Article 2 (e)	Article 2 (f)
Article 2 (f)	Article 2 (g)
—	Article 2 (h)
—	Article 2 (i)
Article 2 (g)	Article 2 (j)
—	Article 2 (k)
—	Article 2 (l)
Article 2 (h)	Article 2 (m)
Article 2 (i)	Article 2 (n)
Article 2 (j)	Article 2 (o)
Article 2 (k)	Article 2 (p)
Article 3 (1)	Article 3 (1)
Article 3 (2)	Article 3 (2)
Article 3 (3)	—
Article 3 (4)	Article 3 (3)
Article 4 (1) first subparagraph	Article 4 (1) first subparagraph
Article 4 (1) second subparagraph	—
—	Article 4 (2)
Article 4 (2)	Article 4 (3)
Article 4 (3)	Article 4 (4)
—	Article 4 (5)
Article 5	Article 5
Article 6 (1)	—
—	Article 6 (1)
—	Article 6 (2)
Article 6 (2)	Article 6 (3)
Article 6 (3)	Article 6 (4)
—	Article 6 (5)

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Directive 2005/85/EC	This directive
—	Article 6 (6)
Article 6 (4)	Article 6 (7)
Article 6 (5)	—
—	Article 6 (8)
—	Article 6 (9)
—	Article 7 (1) to (3)
Article 7 (1)	Article 8 (1)
Article 7 (2)	Article 8 (2)
—	Article 8 (3)
Article 8 (1)	Article 9 (1)
—	Article 9 (2)
Article 8 (2) (a)	Article 9 (3) (a)
Article 8 (2) (b)	Article 9 (3) (b)
Article 8 (2) (c)	Article 9 (3) (c)
—	Article 9 (3) (d)
Article 8 (3)	Article 9 (4)
Article 8 (5)	Article 9 (5)
Article 9 (1)	Article 10 (1)
Article 9 (2), first subparagraph	Article 10 (2), first subparagraph
Article 9 (2), second subparagraph	—
Article 9 (3)	Article 10 (3)
—	Article 10 (4)
Article 10	Article 11
Article 11	Article 12
Article 12 (1)	Article 13 (1)
Article 12 (2) (a)	Article 13 (2) (a)
Article 12 (2) (b)	—
Article 12 (2) (c)	—
Article 12 (3)	Article 13 (2) (b)
Article 12 (4) to (6)	Article 13 (3) to (5)
Article 13 (1) and (2)	Article 14 (1) and (2)
Article 13 (3) (a)	Article 14 (3) (a)
—	Article 14 (3) (b)
Article 13 (3) (b)	Article 14 (3) (c)
—	Article 14 (3) (d)
—	Article 14 (3) (e)

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Directive 2005/85/EC	This directive
Article 13 (4)	Article 14 (4)
Article 13 (5)	—
—	Article 15
Article 14	—
—	Article 16
—	Article 17
Article 15 (1), (2) and (3) first subparagraph	Article 18 (1), (2) and (3) first subparagraph
Article 15 (3) (a)	—
Article 15 (3) (b)	Article 18 (3) (a)
Article 15 (3) (c)	Article 18 (3) (b)
Article 15 (3) (d)	—
Article 15 (3) second subparagraph	—
—	Article 18 (3) second subparagraph
Article 15 (4)	Article 18 (4)
—	Article 18 (5)
Article 15 (5)	Article 18 (6)
Article 15 (6)	Article 18 (7)
Article 16 (1)	Article 19 (1)
Article 16 (2)	Article 19 (2)
—	Article 19 (3)
Article 16 (3)	Article 19 (4)
Article 16 (4)	Article 19 (4)
—	Article 20 (1) to (3)
Article 17 (1)	Article 21 (1)
Article 17 (2) (a)	Article 21 (2) (a)
Article 17 (2) (b)	—
Article 17 (2) (c)	Article 21 (2) (b)
Article 17 (3)	—
Article 17 (4)	Article 21 (3)
—	Article 21 (4)
Article 17 (5)	Article 21 (5)
—	Article 21 (6)
Article 17 (6)	Article 21 (7)
Article 18	Article 22
Article 19	Article 23

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Directive 2005/85/EC	This directive
Article 20	Article 24
Article 20 (1) (a) and (b)	Article 24 (1) (a) and (b)
Article 20 (2)	Article 24 (2)
—	Article 24 (3)
Article 21	Article 25
Article 22	Article 26
Article 23	Article 27
Article 23 (1)	Article 27 (1)
Article 23 (2), first subparagraph	Article 27 (2)
Article 23 (2), second subparagraph	—
—	Article 27 (3)
—	Article 27 (4)
Article 23 (3)	Article 27 (5)
Article 23 (4)	Article 27 (6)
Article 23 (4) (a)	Article 27 (6) (a)
Article 23 (4) (b)	—
Article 23 (4) (c) (i)	Article 27 (6) (b)
Article 23 (4) (c) (ii)	—
Article 23 (4) (d)	Article 27 (6) (c)
Article 23 (4) (e)	—
Article 23 (4) (f)	Article 27 (6) (d)
Article 23 (4) (g)	—
Article 23 (4) (h)	—
Article 23 (4) (i)	—
Article 23 (4) (j)	Article 27 (6) (f)
Article 23 (4) (k) to (n)	—
Article 23 (4) (o)	Article 27 (6) (e)
—	Article 27 (7)
—	Article 27 (8)
—	Article 27 (9)
—	Article 28
Article 24	—
Article 25	Article 29
Article 25 (1)	Article 29 (1)
Article 25 (2) (a) to (c)	Article 29 (2) (a) to (c)

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Directive 2005/85/EC	This directive
Article 25 (2) (d) and (e)	—
Article 25 (2) (f) and (g)	Article 29 (2) (d) and (e)
—	Article 30
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(¹) The correlation table has not been updated.

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European statistics on tourism *I**

P7_TA(2011)0137

European Parliament legislative resolution of 6 April 2011 on the proposal for a regulation of the European Parliament and of the Council concerning European Statistics on tourism (COM(2010)0117 – C7-0085/2010 – 2010/0063(COD))

(2012/C 296 E/36)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0117),
 - having regard to Article 294(2) and Article 338(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0085/2010),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the contributions submitted by the Assembly of the Republic of Portugal and by the Italian Senate on the draft legislative act,
 - having regard to the undertaking given by the Council representative by letter of 22 March 2011 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 Transport and Tourism (A7-0329/2010),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2010)0063**Position of the European Parliament adopted at first reading on 6 April 2011 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of the Council concerning European statistics on tourism and repealing Council Directive 95/57/EC**

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 692/2011.)

Wednesday 6 April 2011

Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea *I**

P7_TA(2011)0138

European Parliament legislative resolution of 6 April 2011 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 861/2006 establishing Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea (COM(2010)0145 – C7-0107/2010 – 2010/0080(COD))

(2012/C 296 E/37)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0145),
 - having regard to Article 294(2) and Article 43 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0107/2010),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the contributions submitted by the Assembly of the Republic of Portugal and by the Italian Senate on the draft legislative act,
 - having regard to the opinion of the European Economic and Social Committee of 15 July 2010 ⁽¹⁾,
 - having regard to the undertaking given by the Council representative by letter of 11 March 2011 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 Fisheries (A7-0017/2011),
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.

⁽¹⁾ OJ C 44, 11.2.2011, p. 171.

Wednesday 6 April 2011

P7_TC1-COD(2010)0080

Position of the European Parliament adopted at first reading on 6 April 2011 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of the Council amending Council Regulation (EC) No 861/2006 establishing Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 693/2011.)

Fisheries – Transitional technical measures *I**

P7_TA(2011)0139

European Parliament legislative resolution of 6 April 2011 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011 (COM(2010)0488 – C7-0282/2010 – 2010/0255(COD))

(2012/C 296 E/38)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0488),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0282/2010),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 19 January 2011 ⁽¹⁾,
 - having regard to the undertaking given by the Council representative by letter of 9 March 2011 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 Fisheries (A7-0024/2011),
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 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 84, 17.3.2011, p. 47.

Wednesday 6 April 2011

P7_TC1-COD(2010)0255

Position of the European Parliament adopted at first reading on 6 April 2011 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of the Council amending Council Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and Council Regulation (EC) No 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 579/2011.)

Estimates of revenue and expenditure for 2012

P7_TA(2011)0140

European Parliament resolution of 6 April 2011 on the estimates of revenue and expenditure of Parliament for the financial year 2012 - Section I - Parliament (2011/2018(BUD))

(2012/C 296 E/39)

The European Parliament,

- having regard to Article 314 of the Treaty on the Functioning of the European Union,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾, and particularly Article 31 thereof,
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽²⁾,
 - having regard to its resolution of 9 March 2011 on the guidelines for the 2012 budget procedure – Sections I, II, IV, V, VI, VII, VIII, IX and X ⁽³⁾,
 - having regard to the Secretary-General's report to the Bureau on drawing up Parliament's preliminary draft estimates for the financial year 2012,
 - having regard to the preliminary draft estimates drawn up by the Bureau on 23 March 2011 pursuant to Rules 23(7) and 79(1) of Parliament's Rules of Procedure,
 - having regard to the draft estimates drawn up by the Committee on Budgets pursuant to Rule 79(2) of Parliament's Rules of Procedure,
 - having regard to Rule 79 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets (A7-0087/2011),
- A. whereas the current financial, economic and social situation of the Union obliges the institutions to respond with the quality and efficiency that is required and to employ strict management procedures so that savings should be achieved; considers that such savings should involve budget lines relating to Members of the European Parliament,

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ C 139, 14.6.2006, p. 1.

⁽³⁾ Text adopted, P7_TA(2011)0088.

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- B. whereas the institutions should be provided with sufficient resources, although, given the current economic context, those resources should be managed with rigour and efficiency,
- C. whereas it is particularly desirable for the Committee on Budgets and the Bureau to continue with the enhanced cooperation throughout the annual budget procedure under Rules 23 and 79 of Parliament's Rules of Procedure, which provide that the Bureau is responsible for taking financial, organisational and administrative decisions concerning the internal organisation of Parliament as well as for drawing up Parliament's preliminary draft estimates and the Committee on Budgets is responsible for the report to the plenary on Parliament's budget estimates in the context of the annual procedure,
- D. whereas the prerogatives of the plenary in adopting the estimates and the final budget will be fully maintained in accordance with the Treaty and the Rules of Procedure,
- E. whereas a pre-conciliation meeting between delegations of the Bureau and the Committee on Budgets took place on 15 March and 22 March 2011,
- F. whereas in a recent letter, the Commissioner responsible for budget called on all institutions to make every possible effort towards limiting expenditure in preparing their own estimates of expenditure for the Draft Budget 2012,

General Framework and overall budget

1. Welcomes the so far good cooperation between the Bureau and the Committee on Budgets during the current budget procedure and the agreement between the Bureau and the Committee on Budgets during its pre-conciliation on 22 March 2011;
2. Notes that the level of the Preliminary Draft Estimates for the 2012 budget, as suggested by the Secretary General to the Bureau, amounts to EUR 1 773 560 543, representing 20,26 % of heading 5 of the multiannual financial framework (MFF); notes that the rate of increase suggested is 5,20 % over the 2011 budget;
3. Welcomes the fact that the Bureau adopted savings compared to the originally suggested Preliminary Draft Estimates in its Preliminary Draft Estimates for the 2012 budget as adopted at its meeting on 23 March 2011 after its pre-conciliation with the Committee on Budgets; confirms the proposal of the Bureau and sets the overall level of the Draft Estimates 2012 at EUR 1 724 575 043, representing 19,70 % of heading 5 of the MFF; notes that the rate of increase suggested is 2,30 % over the 2011 budget;
4. Calls for a long-term review of the Parliament's budget; asks for future potential savings to be identified in order to reduce costs and create resources for the long-term running of the Parliament as part of the legislative authority;
5. Reaffirms that in the light of the difficult economic and budgetary conditions in the Member States, the Parliament should show its budgetary responsibility and self-restraint by staying under the current inflation rate⁽¹⁾; following the interinstitutional line, enlargement-related needs are to be integrated either by a letter of amendment or an amending budget; the needs for the 18 new MEPs following the Lisbon Treaty will be also integrated by a letter of amendment or an amending budget;
6. Furthermore urges the administration to present an objective evaluation of Parliament's budget with the aim of identifying savings throughout and present this evaluation to the Committee on Budgets in a timely fashion before the end of the budgetary procedure;
7. Recalls that the ceiling for heading 5 of the MFF for the Union budget in 2012 is EUR 8 754 million;

⁽¹⁾ Eurostat press release 41/2011, 16 March 2011.

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8. Is of the opinion that Parliament and the other institutions should show budgetary responsibility and self-restraint in the context of economic crisis and the heavy burden of public debt and restraint in times of ongoing national budgetary consolidation efforts without undermining the goal of legislative excellence;

Specific issues

9. Encourages the Bureau to apply a stringent human resources management approach prior to the establishment of new posts within Parliament;

10. Considers that the ongoing efforts to modernise and rationalise the administration and the proposals for 2012 should contribute to a reduction in the external provision of services and expects significant savings to be made here so as to achieve a level of expenditure comparable at least to that of 2010;

11. Welcomes the Secretary General's proposal to continue to implement Parliament's environmental policy, to start an information campaign, to provide support for the multi-annual ICT strategy and to continue to modernise and rationalise the administration;

12. Efforts to modernise and rationalise the administration must also include the security of the Parliament; requests a reserve of EUR 3 million, which would be lifted upon presentation of a viable concept for improvements and costs-plans; recalls, from the abovementioned resolution of 9 March 2011, that a thorough review should be implemented as to whether the right of freedom of access for European citizens to meet with their European representatives could be more effectively matched with the urgent need to provide security for those who work in the institutions; asks the Secretary-General to submit such a report by 30 June 2011;

13. Recalls the importance of all the points mentioned in the guidelines for the 2012 budget such as the modernisation of the software application systems including the digital strategy with regard to the Web 2.0 tools and social networks, the cloud computing system and Wifi, information and communication policy, the knowledge management system, translation and interpretation, environmental policy and EMAS and active non-discrimination policies;

14. Considers that in the implementation of the 2012 budget further savings should be achieved by reducing the consumption of, in particular, water, electricity and paper and that an effort should be made to reduce transportation costs related to official missions and travel;

15. Highlights the need for constant and evenly distributed information to European citizens and asks its administration to constantly monitor existing and potential locations for its information offices, in particular where accommodation is offered free of charge;

16. Requests that a thorough review be conducted of the current links between the European Parliament and national parliaments with a view to seeing how to improve the sectoral contacts between parliamentary committees in the European Parliament and the Member States to generate a more substantive and satisfactory dialogue;

Buildings in construction

17. Recalls its position, in its abovementioned resolution of 9 March 2011, expressed in its resolution on the guidelines for the 2012 budget procedure; considers that early payment, with a view to reducing financing costs, remains one of the key priorities for the future; asks in this context for optimal use of the budget resources, the development of a medium- and long-term strategy seeking to find the best solution and taking into account the need to assess various options and alternative financing possibilities while respecting the principles of transparency and sound financial management;

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18. Reiterates that the European Parliament will consider additional funding only on the basis of necessary information regarding (1) the amount and the sources of the expected means of financing, (2) additional information regarding the legal implications, and provided that (3) all decisions relating to the project are subject to a proper decision-making procedure ensuring an open debate and transparency; takes note of the estimated total cost for setting up the House of European History, the estimated running costs and the staffing needs; asks the Bureau to reduce the estimated running costs; requests - in order to maintain a transparent and fruitful dialogue with the parties involved - to be presented with a business plan setting out the long-term business strategy of the House of European History and requests to be informed as soon as possible on the building project according to Article 179(3) of the Financial Regulation proposes a reserve of EUR 2 million until receipt of said business plan;

19. Does not support the creation of a new budget line at this stage specifically for the House of European History; therefore requests that the EUR 1 million which has been allocated to the new item '3247' (House of European History) be transferred to Chapter 10 1 (contingency reserve); considers, however, that any creation of such a line should be part of a transparent procedure and approved by the budgetary authority;

Final considerations

20. Adopts the estimates for the financial year 2012 and recalls that the adoption of Parliament's position on the Draft Budget, as modified by the Council, will take place in October 2011, according to the procedure laid down by the Treaty;

*

* *

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

Thursday 7 April 2011

Vaccination against bluetongue ***I

P7_TA(2011)0147

European Parliament legislative resolution of 7 April 2011 on the proposal for a directive of the European Parliament and of the Council amending Directive 2000/75/EC as regards vaccination against bluetongue (COM(2010)0666 – 05499/2011 – C7-0032/2011 – 2010/0326(COD))

(2012/C 296 E/40)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2010)0666),
 - having regard to the Council letter of 26 January 2011, in which the Council considered that the legal basis should be modified and requested the European Parliament to adopt its position on the Commission proposal on the basis of Article 43(2) of the Treaty on the Functioning of the European Union (05499/2011 - C7-0032/2011),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union,
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 15 March 2011 ⁽¹⁾,
 - having regard to the opinion of the Committee on Legal Affairs on the requested change of legal basis,
 - having regard to Rules 55 and 37 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development (A7-0121/2011),
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.

⁽¹⁾ Not yet published in the Official Journal.

Thursday 7 April 2011

P7_TC1-COD(2010)0326**Position of the European Parliament adopted at first reading on 7 April 2011 with a view to the adoption of Directive 2011/.../EU of the European Parliament and of the Council amending Directive 2000/75/EC as regards vaccination against bluetongue**

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 43(2) thereof*,**I**

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

Whereas:

- (1) Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue ⁽³⁾ lays down control rules and measures to combat and eradicate bluetongue, including rules on the establishment of protection and surveillance zones and the use of vaccines against bluetongue.
- (2) In the past, only sporadic incursions of certain serotypes of the bluetongue virus have been recorded in the Union. Those incursions mainly occurred in the southern parts of the Union. However, since the adoption of Directive 2000/75/EC, and particularly since the introduction into the Union of bluetongue virus serotypes 1 and 8 in the years 2006 and 2007, the bluetongue virus has become more widespread in the Union, with the potential to become endemic in certain areas. It has therefore become difficult to control the spread of that virus.
- (3) The rules on vaccination against bluetongue laid down in Directive 2000/75/EC are based on experience of the use of so-called 'modified live vaccines', or 'live attenuated vaccines', that were the only vaccines available when that Directive was adopted. The use of those vaccines may lead to an undesired local circulation of the vaccine virus also in unvaccinated animals.
- (4) In recent years, as a result of new technology, 'inactivated vaccines' against bluetongue have become available which do not pose that risk to unvaccinated animals. The extensive use of such vaccines during the vaccination campaign in the years 2008 and 2009 has led to a significant improvement in the disease situation. It is now widely accepted that vaccination with inactivated vaccines is the preferred tool for the control of bluetongue and for the prevention of clinical disease in the Union.
- (5) In order to ensure better control of the spread of the bluetongue virus and to reduce the burden on the agricultural sector posed by that disease, it is appropriate to amend the current rules on vaccination laid down in Directive 2000/75/EC in order to take account of the recent technological developments in vaccine production.
- (6) ***In order to enable the vaccination season 2011 to benefit from the new rules, this Directive should enter into force on the day following that of its publication in the Official Journal of the European Union.***
- (7) The amendments provided for in this Directive should make the rules on vaccination more flexible and also take into account the fact that inactivated vaccines that can also be successfully used outside areas subjected to animal movement restrictions are now available.

⁽¹⁾ Opinion of 15 March 2011 (not yet published in the Official Journal).

⁽²⁾ Position of the European Parliament of 7 April 2011.

⁽³⁾ OJ L 327, 22.12.2000, p. 74.

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- (8) In addition, and provided that appropriate precautionary measures are taken, the use of live attenuated vaccines should not be excluded, as their use might still be necessary under certain circumstances, such as following the introduction of a new bluetongue virus serotype against which inactivated vaccines may not be available.
- (9) Directive 2000/75/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 2000/75/EC is hereby amended as follows:

- (1) In Article 2, the following point is added:

‘(j) “live attenuated vaccines”: vaccines which are produced by adapting bluetongue virus field isolates through serial passages in tissue culture or in embryonated hens’ eggs.’.

- (2) Article 5 is replaced by the following:

Article 5

1. The competent authority of a Member State may decide to allow the use of vaccines against bluetongue provided that:

- (a) such decision is based on the result of a specific risk assessment carried out by the competent authority;
- (b) the Commission is informed before such vaccination is carried out.

2. Whenever live attenuated vaccines are used, Member States shall ensure that the competent authority demarcates:

- (a) a protection zone, consisting of at least the vaccination area;
- (b) a surveillance zone, consisting of a part of the Union territory with a depth of at least 50 kilometres extending beyond the limits of the protection zone.’.

- (3) In Article 6(1), point (d) is replaced by the following:

‘(d) implement the measures adopted in accordance with the procedure laid down in Article 20(2), in particular with regard to the introduction of any vaccination programme or other, alternative measures;’.

- (4) In Article 8(2), point (b) is replaced by the following:

‘(b) The surveillance zone shall consist of a part of the Union territory with a depth of at least 50 kilometres extending beyond the limits of the protection zone and in which no vaccination against bluetongue with live attenuated vaccines has been carried out during the previous 12 months.’.

- (5) In Article 10, point 2 is replaced by the following:

‘2. any vaccination against bluetongue using live attenuated vaccines is prohibited in the surveillance zone.’.

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Article 2

1. Member States shall adopt and publish, by **30 June 2011** at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall communicate immediately to the Commission the text of those provisions and a correlation table between them and this Directive.

They shall apply those provisions from **1 July 2011 at the latest**.

When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at,

For the European Parliament
The President

For the Council
The President

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EUROPEAN PARLIAMENT

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Key to symbols used

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

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

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

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

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