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## Information and Notices

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<u>Notice No</u>	<u>Contents</u>	<u>Page</u>
	I <i>Resolutions, recommendations and opinions</i>	
	RESOLUTIONS	
	<b>European Parliament</b>	
	2012-2013 SESSION	
	Sittings of 13 to 15 March 2012	
	The Minutes of this session have been published in OJ C 152 E, 30.5.2012.	
	TEXTS ADOPTED	
	<b>Tuesday 13 March 2012</b>	
2013/C 251 E/01	Equality between women and men in the European Union - 2011 European Parliament resolution of 13 March 2012 on equality between women and men in the European Union - 2011 (2011/2244(INI)) .....	1
2013/C 251 E/02	Women in political decision-making European Parliament resolution of 13 March 2012 on women in political decision-making – quality and equality (2011/2295(INI)) .....	11
2013/C 251 E/03	Statute for a European Cooperative Society with regard to the involvement of employees European Parliament resolution of 13 March 2012 on the Statute for a European Cooperative Society with regard to the involvement of employees (2011/2116(INI)) .....	18
2013/C 251 E/04	Bologna process European Parliament resolution of 13 March 2012 on the contribution of the European institutions to the consolidation and progress of the Bologna Process (2011/2180(INI)) .....	24
2013/C 251 E/05	European Statistics European Parliament resolution of 13 March 2012 on quality management for European statistics (2011/2289(INI))	33

# EN

(Continued overleaf)

<u>Notice No</u>	Contents (continued)	Page
<b>Wednesday 14 March 2012</b>		
2013/C 251 E/06	General guidelines for the 2013 budget: Section III - Commission European Parliament resolution of 14 March 2012 on general guidelines for the preparation of 2013 Budget - Section III - Commission (2012/2000(BUD)) .....	37
2013/C 251 E/07	Judicial training European Parliament resolution of 14 March 2012 on judicial training (2012/2575(RSP)) .....	42
2013/C 251 E/08	Child labour in cocoa sector European Parliament resolution of 14 March 2012 on child labour in cocoa sector (2011/2957(RSP)) .....	45
2013/C 251 E/09	Addressing the EU diabetes epidemic European Parliament resolution of 14 March 2012 on addressing the EU diabetes epidemic (2011/2911(RSP))	47
2013/C 251 E/10	Enlargement report for the former Yugoslav Republic of Macedonia European Parliament resolution of 14 March 2012 on the 2011 progress report on the former Yugoslav Republic of Macedonia (2011/2887(RSP)) .....	52
2013/C 251 E/11	Enlargement report for Iceland European Parliament resolution of 14 March 2012 on the 2011 progress report on Iceland (2011/2884(RSP))	61
2013/C 251 E/12	Enlargement report for Bosnia and Herzegovina European Parliament resolution of 14 March 2012 on the 2011 progress report on Bosnia and Herzegovina (2011/2888(RSP)) .....	66
<b>Thursday 15 March 2012</b>		
2013/C 251 E/13	Competitive low carbon economy in 2050 European Parliament resolution of 15 March 2012 on a Roadmap for moving to a competitive low carbon economy in 2050 (2011/2095(INI)) .....	75
2013/C 251 E/14	Discriminatory internet sites and government reactions European Parliament resolution of 15 March 2012 on discriminatory internet sites and government reactions (2012/2554(RSP)) .....	88
2013/C 251 E/15	Outcome of the presidential elections in Russia European Parliament resolution of 15 March 2012 on the outcome of the presidential elections in Russia (2012/2573(RSP)) .....	91
2013/C 251 E/16	Kazakhstan European Parliament resolution of 15 March 2012 on Kazakhstan (2012/2553(RSP)) .....	93
2013/C 251 E/17	Situation in Nigeria European Parliament resolution of 15 March 2012 on the situation in Nigeria (2012/2550(RSP)) .....	97



Tuesday 13 March 2012

## I

*(Resolutions, recommendations and opinions)*

## RESOLUTIONS

## EUROPEAN PARLIAMENT

**Equality between women and men in the European Union - 2011**

P7\_TA(2012)0069

**European Parliament resolution of 13 March 2012 on equality between women and men in the European Union - 2011 (2011/2244(INI))**

(2013/C 251 E/01)

*The European Parliament,*

- having regard to Article 2 and Article 3(3), second subparagraph, of the Treaty on European Union (TEU) and Article 8 of the Treaty on the Functioning of the European Union (TFEU),
  
- having regard to Article 23 of the Charter of Fundamental Rights of the European Union,
  
- having regard to the United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) of 18 December 1979,
  
- having regard to European Parliament and Council Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA <sup>(1)</sup>,
  
- having regard to the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,
  
- having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995 and to the subsequent outcome documents adopted at the United Nations Beijing+5 (2000), Beijing +10 (2005) and Beijing +15 (2010) special sessions,

<sup>(1)</sup> OJ L 101, 15.4.2011, p. 1.

**Tuesday 13 March 2012**

- having regard to the European Pact for Gender Equality (2011-2020), adopted by the European Council in March 2011 <sup>(1)</sup>,
- having regard to the Commission communication of 5 March 2010 entitled 'A Strengthened Commitment to Equality between Women and Men: A Women's Charter' (COM(2010)0078),
- having regard to the Commission Staff Working Document of 11 February 2011 entitled 'Report on the progress on equality between women and men in 2010' (SEC(2011)0193),
- having regard to the Commission communication of 21 September 2010 entitled 'Strategy for equality between women and men 2010-2015' (COM(2010)0491),
- having regard to the Fundamental Rights Agency's Report on Homophobia, Transphobia and discrimination on grounds of sexual orientation and gender identity (2010),
- having regard to the EU Victims' Package comprising the Commission communications of 18 May 2011 entitled 'Strengthening victims' rights in the EU'(COM(2011)0274), 'Proposal for a Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime' (COM(2011)0275) and 'Proposal for a Regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters' (COM(2011)0276),
- having regard to the Commission communication 'EU 2020: a European strategy for smart, sustainable and inclusive growth' (COM(2010)2020),
- having regard to the Commission report of 3 October 2008 entitled 'Implementation of the Barcelona objectives concerning childcare facilities for pre-school-age children' (COM(2008)0638),
- having regard to Directive 2004/113/EC on implementing the principle of equal treatment between men and women in the access to and supply of goods and services and the related judgment of 1 March 2011 of the Court of Justice of the European Union in the Test-Achats case (C-236/09) <sup>(2)</sup>,
- having regard to its resolution of 13 October 2005 on women and poverty in the European Union <sup>(3)</sup>,
- having regard to its resolution of 3 February 2009 on non-discrimination based on sex and inter-generational solidarity <sup>(4)</sup>,
- having regard to its resolution of 10 February 2010 on equality between women and men in the European Union – 2009 <sup>(5)</sup> and of 8 March 2011 on equality between women and men in the European Union – 2010 <sup>(6)</sup>,
- having regard to its resolution of 6 July 2011 on women and business leadership <sup>(7)</sup>,
- having regard to its resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women <sup>(8)</sup>,
- having regard to its resolution of 8 March 2011 on the face of female poverty in the European Union <sup>(9)</sup>,

<sup>(1)</sup> Annex to Council Conclusions of 7 March 2011.

<sup>(2)</sup> OJ C 130, 30.4.2011, p. 4.

<sup>(3)</sup> OJ C 233 E, 28.9.2006, p. 130.

<sup>(4)</sup> OJ C 67 E, 18.3.2010, p. 31.

<sup>(5)</sup> OJ C 341 E, 16.12.2010, p. 35.

<sup>(6)</sup> Texts adopted P7\_TA(2011)0085.

<sup>(7)</sup> Texts adopted P7\_TA(2011)0330.

<sup>(8)</sup> Texts adopted P7\_TA(2011)0127.

<sup>(9)</sup> Texts adopted P7\_TA(2011)0086.

Tuesday 13 March 2012

- having regard to its resolution of 17 June 2010 on gender aspects of the economic downturn and financial crisis, <sup>(1)</sup>
  - 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 (A7-0041/2012),
- A. whereas equality between men and women is a fundamental principle of the European Union, enshrined in the Treaty on European Union, and whereas the Union has set itself the specific task of mainstreaming gender equality in all its activities and whereas, despite the gradual progress in this area, many inequalities between women and men still remain;
- B. whereas at times of economic crisis, strengthening women's position in the labour market and economic independence is not only a moral imperative, but also an economic necessity; whereas the EU 2020 Strategy includes the headline target of aiming to raise to 75 % the employment rate for women and men aged 20-64;
- C. whereas Europe's future economic competitiveness and prosperity depends crucially on its ability to fully utilise its labour resources, including increased participation by women in the labour market; whereas one of the Europe 2020 priorities is to get more women to work in order to reach a 75% employment rate for women by 2020; whereas comparatively more women than men work in part-time jobs or on temporary contracts and will therefore be more easily made redundant in crisis periods and there is a risk that the current recession will delay advances, or even reverse progress towards gender equality; whereas, however, part-time work opportunities in some cases and for a certain period can have a positive effect for women and men in order to reconcile work family and private life;
- D. whereas the objective of gender equality entails better political representation of women; whereas women's representation in political decision making has not sustained any linear improvement in recent years - the gender balance in national parliaments across the EU has remained unchanged at 24 % women and 76 % men and the percentage of female members of parliament in certain Member States does not exceed 15%, with women accounting for only 23 % of ministers overall; whereas the number of female vice-presidents of the European Parliament has decreased in the second half of the parliamentary term 2009-2014;
- E. whereas initially the economic crisis mainly hit male employment, but cuts in public spending are expected to have a disproportionate impact on female employment and wage difference, as many more women than men are employed in the public sector; whereas the particularly critical sectors dominated by women are health, education and social care; whereas it is important to pay attention not only to employment rates, but also to equal employment conditions and employment quality, including career opportunities and wages;
- F. whereas violence against women including psychological violence is a prime obstacle to equality between women and men, is a violation of the fundamental rights of women and remains the most widespread violation of human rights within the EU despite measures taken by politicians to counter it; whereas economic recession creates conditions associated with increased violence in intimate relationships, and austerity measures affecting support services leave women victims of violence even more vulnerable than usual;
- G. whereas economists and demographers (World Bank, OECD, IMF) use economic and mathematical models to highlight the economic value of household production – carried out mainly by women – and whereas women's contribution to GDP would be even higher if their unpaid work were factored in, which proves the discrimination that exists against women's work;
- H. whereas budget cuts in social services, such as childcare, further hinder women's participation in the labour market;
- I. whereas access to services providing care for children, elderly and dependent persons is essential for achieving equal participation of women and men in the labour market and in education and training; whereas home caregivers remain discriminated against in terms of the failure to count their years of work towards pensions and entitlements;

<sup>(1)</sup> OJ C 236 E, 12.8.2011, p. 79.

Tuesday 13 March 2012

- J. whereas 2012 is the European Year of Active Ageing and Solidarity between Generations and it is important to stress that more women than men in their later years live in single households due to longer life expectancy;
- K. whereas the European Parliament adopted in October 2011 its position on the proposal for a new Directive on Maternity Leave, extending maternity leave to 20 weeks with full pay and also establishing paid paternity leave of at least 2 weeks;
- L. whereas access to capital is severely limited by the banking crisis, a problem that is likely to hit women entrepreneurs disproportionately, as women increasingly work in a self-employed capacity so as to better combine work and family life;
- M. whereas the collection and analysis of gender-disaggregated data are paramount in implementing equality between women and men in the European Union;
- N. whereas progress in achieving gender equality has been excruciatingly slow, in particular economic equality; whereas political leaders must do more than pay lip service to it, rather making it a priority in their economic strategies;
- O. whereas disparities in the pay received by women and men are still very high (in some cases exceeding 25%), and whereas despite the efforts and progress made the pay gap is not becoming smaller but rather stagnating;
- P. whereas employment rates are lower in rural areas and, moreover, a large number of women do not figure in the official labour market and are therefore not registered as unemployed or included in unemployment statistics, causing specific financial and legal problems in connection with maternity and sick leave entitlements, the acquisition of pension rights and access to social security, as well as problems in the event of divorce; whereas rural areas are disadvantaged by the lack of high-quality employment opportunities;
- Q. whereas on average 3 in 10 households in the European Union are single-person households, the majority of them comprising women living alone, particularly elderly women, and the percentage is rising; whereas these households are more vulnerable and more at risk of poverty, in particular at times of economic adversity; whereas single-person or single-income households in most Member States are treated unfavourably, both in absolute and relative terms, with regard to taxation, social security, housing, health care, insurance and pensions; whereas public policies should not penalise people for – voluntarily or involuntarily – living alone;
- R. whereas women's sexual and reproductive health and rights are human rights and should be guaranteed for all women, regardless of their social status, age, sexual orientation or ethnicity;
- S. whereas many women such as disabled women, women caring for children, elderly and disabled women, women from ethnic minorities and especially Roma women and immigrant women suffer from multiple and intersectional discrimination and are more vulnerable to social exclusion, poverty and extreme human rights violations;
- T. whereas families in the European Union are diverse and comprise married, unmarried and partnered parents, different-sex and same-sex parents, single parents and foster parents who deserve equal protection under national and European Union law;
- U. whereas the ECJ judgement in the Test-Achats case demonstrates the need for precise, clear and unambiguous provisions in gender equality legislation;
- V. whereas the gender gap is smaller before family formation and increases when individuals form a couple; whereas a drop in the employment rate occurs for women at first childbirth and the labour market disadvantages accumulate in the earlier stages of their life cycle, connected to child-care, which at a later stage changes into care of elderly people, which often flows into in-work poverty;

Tuesday 13 March 2012

- W. whereas positive actions aimed at women have proved to be fundamental for their full incorporation in the labour market and in society in general;
- X. whereas women in rural areas suffer from even greater discrimination and gender stereotypes than women in urban areas and the employment rate of those women is much lower than of those in the cities;
- Y. whereas victims of human trafficking are mostly women and girls;

### ***Equal economic independence***

1. Calls on the Member States to ensure that their marriage and divorce and matrimonial property laws do not directly or indirectly constitute a financial 'trap' for the spouses, in particular women, and to ensure that couples who seek marriage are fully informed in a suitable time-frame of the legal and financial implications of marriage and divorce;
2. Calls on Member States to invest in affordable, high-quality facilities for the care of children, the sick, the disabled, the elderly and other dependent persons, making sure that they have flexible times and are accessible so that as many people as possible can combine professional and private life; calls on the Commission and Member States to ensure that men and women caring for children or the elderly receive recognition by giving them individual social security and pension rights; invites the social partners to present specific initiatives to validate the skills acquired during a care-related leave period;
3. Calls on the Member States to move towards individualised systems of social security, in order to increase women's individual autonomy and position in society;
4. Emphasises the importance of developing the legal concept of shared ownership - in order to ensure full recognition of women's rights in the agricultural sector, appropriate protection in the field of social security and recognition of women's work - and the need to amend the European Agricultural Fund for Rural Development (EAFRD) Regulation, so as to make it possible, as is the case under the European Social Fund (ESF), to take positive action for women in the future 2014-2020 programming period, bearing in mind that this was feasible in earlier periods but cannot be done in the current one and that such measures will have very beneficial effects on female employment in rural areas;
5. Calls on the Commission and the Member States to elaborate proposals for the mutual recognition of civil unions and of same-sex families across Europe between those countries which already have the relevant legislation in place, so as to ensure equal treatment with regard to work, free movement, taxation and social security, protecting the incomes of families and children;
6. Welcomes the adoption of Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and calls on the Member States to ensure its full and timely implementation;
7. Regrets the implementation by some Member States of restrictive definitions of 'family' in order to deny legal protection to same-sex couples and their children; recalls that EU law applies without discrimination on the basis of sex or sexual orientation, in accordance with the Charter of Fundamental Rights of the European Union;
8. Stresses that fiscal consolidation without consideration for gender equality risks leading to increased gender segregation in the labour market, increased precarious work among women, a wider gender pay gap, increased feminisation of poverty and more difficulties in combining caring and working;
9. Calls on the Council to move forward on the European Parliament's position concerning the amendment of the Maternity Leave Directive, particularly with regard to pay for women who have recently given birth, so as to ensure continuity of women's economic independence during this period.
10. Calls on Member States to actively promote and closely monitor the implementation of the Social Partners' Framework Agreement on Parental Leave, particularly with regard to the non-transferable period, and to ensure that all barriers are removed so as to increase men's take-up rate;

Tuesday 13 March 2012

11. Stresses that income and high-quality gainful employment for women are the key to their economic independence and to greater equality between men and women in society as a whole;
12. Calls on the Member States and the social partners to include especially female workers in training and vocational training in 'green jobs' which are regarded by the EU Commission as a 'key growth segment' of the European labour market;
13. Calls on the Commission and the Member States to analyse and eliminate the barriers to (re-)entering the labour market and self-employment for Roma women, and furthermore to place proper emphasis on the role of women in the economic empowerment of marginalised Roma and in launching businesses;
14. Calls for action to be taken at national and European level to promote women's entrepreneurship, by setting up training and careers and legal advice services and facilitating access to public and private funding;
15. Calls on the Commission and the Member States to assess the gender impact of the economic and financial crisis through gender impact assessments and subsequent gender budgeting measures;
16. Calls on the Member States to invest current Structural Funds spending for the period 2007-2013 in the development of care services to enable both women and men to combine professional and private life;

***Equal pay for equal work and work of equal value***

17. Notes that, despite countless campaigns, targets and measures in recent years, the gender pay gap remains stubbornly wide, women across the EU earn 17.5% less on average than men and there has only been a marginal reduction of the gender pay gap in the last few years; calls on the Member States to redouble their efforts to put European measures in place with the aim of closing this gap;
18. Calls for a multifaceted strategy from European institutions, Member States and the Social Partners to tackle the full range of causes of the persistent gender pay, including a European equal pay target to reduce the pay gap by 10% in each Member State to ensure equal payment for women and men for the same work and for the same qualifications, and welcomes the Commission's initiative of launching a European Equal Pay Day (EPPD); regrets that no legislative proposal has been put forward by the Commission since the adoption of the European Parliament resolution of 18 November 2008 and its recommendations;
19. Calls on the Member States and the Commission to take appropriate measures to reduce the gender pension gap as a direct consequence of the gender pay gap and to assess the impact of the new pension systems on various categories of women, paying special attention to part-time and atypical contracts;
20. Calls on the Member States to take targeted actions in order to provide a better and fairer financial status for social employment; takes the view that jobs in education and care must be placed on an equal financial footing with other jobs, and that there must be no financial disadvantages arising from the fact that men and women choose social occupations;
21. Expresses concern that the economic crisis and budget cuts will exacerbate the problem, as women will be disproportionately affected, and calls on Member States' governments as well as on social partners to devise an action plan and concrete, ambitious targets;
22. Calls on the Member States to make better use of the skills of highly qualified female migrants and to provide access to education and training including language courses in order to avoid de-skilling and to ensure equal job opportunities and promote the integration of migrants; calls on the Member States to give attention to the adoption of measures for migrant women and encourages the consultation of NGOs and migrant women's organisations on policies and measures geared towards their social integration;
23. Is concerned about the legislation in some Member States which does not expressly prohibit the handing of pre-signed resignation letters to employers when women are recruited, which has the effect of enabling maternity laws to be circumvented;



Tuesday 13 March 2012

**Equality in decision-making**

24. Considers that active participation and full inclusion of women in the European labour market not only has a positive effect on business but also benefits the economy and society as a whole and is an issue that concerns fundamental rights and democracy: women represent 60% of new university graduates, but continue to be under-represented in economic decision-making posts;

25. Regrets that economic recovery projects still focus mainly on male-dominated employment; calls on the Member States and the Commission to address gender equality in a consistent manner when implementing the EU2020 Strategy and National Reform Programmes, and to give high priority to addressing barriers to women's participation in the labour market with particular emphasis on women with disabilities, migrant and ethnic minority women, women in the age group 54-65 years and Roma women; points out that women and men must have access to flexible forms of employment, including teleworking, in order to achieve a good balance between work and family life and become financially independent; notes that women are under-represented in sectors that are likely to expand such as the renewable sector, science and technology-intensive jobs, and therefore invites the Council, the Commission and the Member States to formulate job creation policies concerning the balanced representation of men and women in these new sectors;

26. Calls for support to be given to initiatives and campaigns which break down stereotypes about the low effectiveness of female employees and their lack of management skills; calls also for women to be supported in their career development and efforts to reach managerial positions;

27. Regrets the lack of progress towards increasing the number of women on company boards as demonstrated in the European Commission's 2012 report on women in economic decision-making; notes that, within the EU, on average only 13% of the executives of the major listed companies are women, with only 3% female chairs;

28. Calls on the Commission to present, as soon as possible, comprehensive current data on female representation within all types of companies in the EU and on the compulsory and non-compulsory measures taken by the business sector as well as those recently adopted by the Member States with a view to increasing such representation; notes that, according to the Commission's report on women in economic decision making, steps taken by companies and the Member States are found to be inadequate; welcomes the announced consultation on measures to enhance gender balance in economic decision making; is disappointed, however, that the Commission is refraining from taking immediate legislative measures, as it had committed to do should the targets not be met; believes the meagre progress made in 2011 merits more concrete measures than a mere consultation; reiterates, therefore, its call from 2011 for legislation, including quotas, to be proposed by 2012 to increase female representation in corporate management bodies to 30% by 2015 and to 40% by 2020, while taking account of the Member States' responsibilities and of their economic, structural (i.e. company-size related), legal and regional specificities;

29. Stresses the need for Member States to adopt measures, in particular through legislative means, to set binding targets to ensure the balanced presence of women and men in positions of responsibility in business, public administration and political bodies; refers to the successful examples of Norway, Spain, Germany, Italy and France;

30. Recalls that the European Elections in 2014, followed by the appointment of the next Commission and the nominations for the senior administrative positions within the European institutions, are a chance to move towards parity democracy at EU level;

31. Calls on the Member States to support parity by proposing a woman and a man as their candidates for the office of Commissioner; calls on the nominated President of the Commission to aim at parity when forming the Commission; calls on the present Commission to publicly support this procedure;

32. Points out that the use of electoral quotas has positive effects on women's representation and welcomes the legislated parity systems and gender quotas introduced in France, Spain, Belgium, Slovenia, Portugal and Poland; calls on the Member States with particularly low representation of women in political assemblies to consider introducing equivalent measures;

Tuesday 13 March 2012

33. Welcomes the significant increase in the numbers of female chairs of parliamentary committees and the number of female MEPs in the legislative term 2009-2014 but regrets the decrease of female EP vice-presidents in the second half of the term; therefore proposes measures for absolute gender balance regarding the vice-presidents' posts;

34. Calls on the Member States to promote female entrepreneurship and to provide financial support, vocational guidance and training to encourage women setting up their own companies;

***Dignity, integrity and an end to gender-based violence***

35. Urges the Commission to include homophobic and transphobic violence and harassment in its action programmes against gender-based violence;

36. Welcomes efforts, both at Community and national levels, to combat violence against women, men and children such as the European Protection Order, the Directive on preventing and combating trafficking in human beings and the legislative package to strengthen the rights of victims in the EU, but stresses that this phenomenon remains a major unresolved problem; calls on the Commission and the Member States to adopt and implement policies to combat all forms of violence against women including all sexual, physical and psychological abuse, domestic violence, harassment and the need to include the fight against gender-based violence in EU external and development cooperation policies; stresses the need to ascertain the real extent of the problem of gender-based violence in the EU; notes the important work to be done in this area by the European Observatory on Gender-Based Violence and calls therefore, for the Observatory to be made operational as soon as possible;

37. Reiterates the need for the Commission to present an EU-wide strategy to end violence against women including a legislative criminal-law instrument to combat gender-based violence as requested by Parliament in several resolutions; calls on the Commission to establish 2015 as the EU Year to End Violence against Women;

38. Encourages Member States to establish information programmes concerning harassment and mobbing at work, so that women who are subjected to such treatment can take effective counter-measures;

39. Defines domestic violence as including all sexual, physical and psychological abuse; points out that gender violence claims many lives across the EU each year; thus calls for adequate measures to be taken so that gender-based violence is treated as a public security issue rather than as a private, domestic issue and as a violation of fundamental rights, by ensuring, amongst other things, access to forms of prevention, legal protection and assistance, including with regard to stalking;

40. Expresses satisfaction with the recent adoption of the European Protection Order Directive - which aims to protect among others the victims of gender violence - and invites the Member States to transpose it into national law at an early date in order to allow for the proper functioning of the European Protection Order;

41. Notes in this context the EU Victims' Package; calls on Member States to include in this package specific actions and resources to combat all forms of violence against women, including domestic violence, sexual violence, harassment, so called honour killings, Female Genital Mutilation, forced marriages and other forms of violence and violation of individual rights;

42. Calls on Member States to introduce rehabilitation and psychological programmes for perpetrators of physical abuse, which would reduce the incidence of such abuse; draws attention, furthermore, to the increase in aggressive behaviour among girls;

43. Calls on the Commission to implement its commitment to mainstream gender equality in the Common European Asylum System.

44. Stresses the need for Member States and regional and local authorities to take measures, via instruments such as the ESF or the PROGRESS programme, to help women who have been victims of gender violence to get back into the labour market;

Tuesday 13 March 2012

45. Points out that the enhancement of social and economic independence as well as sexual and reproductive health autonomy and the freedom to choose a partner are important preconditions for fighting against violence;
46. Calls on the Commission and the Member States to recognise the gender dimension in health as an essential part of EU health policies and further step up their efforts to adopt a dual strategy with gender and age mainstreaming and specific gender-related actions in EU and national health policies;
47. Reiterates its position on sexual and reproductive health rights, as stated in its resolutions of 10 February 2010 and 8 March 2011 on equality between women and men in the European Union – 2009 and 2010; expresses concern in this respect about recent funding cuts to family planning and sexual education and also restrictions on access to sexual and reproductive health services in some Member States, in particular pregnancy and maternity protection and safe and legal abortion; stresses that all women must have control over their sexual and reproductive rights including by having access to affordable high-quality contraception;
48. Expresses concern over the rising incidence of HIV/AIDS and other sexually transmissible diseases, in particular amongst women; points out that 45% of young women and girls who are newly infected with HIV are between the ages of 15 and 24 years old; urges the Commission therefore to place increased emphasis on prevention in their strategy for the fight against HIV/AIDS, to increase general awareness about the dangers of sexually transmitted diseases through the inclusion of sex education, free access to condoms and HIV tests, and to reduce the number of new HIV infections;
49. Calls for a debate at European and Member State level on how to combat stereotypes relating to the respective roles of women and men; stresses, in this regard, the importance of promoting the representation of the female image in a way that respects women's dignity, and of combating persistent gender stereotypes, in particular the prevalence of degrading images, whilst fully respecting freedom of expression and freedom of the press;
50. Calls on the EU and its Member States to integrate into all their policies, as part of the gender mainstreaming requirement, a specific focus on women with specific needs.
51. Calls on the Member States and the Commission to pay special attention to vulnerable groups of women: disabled women, women of advanced age, women with little or no training, women with dependent persons in their charge, female immigrants and women belonging to minorities, all of whom constitute specific groups on whose behalf measures adapted to their circumstances must be taken;
52. Calls on national, regional and local bodies responsible for ensuring equality to introduce integrated approaches to improve their response to, and management of, cases of multiple discrimination; stresses, furthermore, that these bodies should offer training to judges, lawyers and staff in general to allow them to identify, prevent and manage cases of multiple discrimination;

### ***Gender equality beyond the Union***

53. Calls for human rights for women and the ability to use them effectively to be given the highest priority in the EU's external policies; calls also for the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims;
54. Expresses its concern - while welcoming the moves towards more democracy and freedom in countries of the Southern Mediterranean - that women's rights may actually emerge weakened from the Arab Spring; calls on the Commission to develop specific support measures for gender equality in those countries;
55. Deplores the fact that rape is still used in certain regions of the world as a weapon; calls on the European Union, in the form of the European External Action Service, to include this phenomenon as a priority on its political agenda;
56. Notes that this year the world population has reached 7 billion; expresses its conviction that family planning should be at the top of the political agenda;

**Tuesday 13 March 2012**

57. Expresses its concern about the slow progress towards achieving the Millennium Development Goals, in particular towards MDG5: Improve Maternal Health, and about the fact that progress towards a three-quarters reduction of the maternal mortality rate is lagging far behind and that the aim of achieving universal access to reproductive health by 2015 is still far from being achieved; notes that about 1 000 women still die each day from entirely avoidable pregnancy- or childbirth-related complications;

58. Urges political and religious leaders to publicly throw their weight behind MDG5 and support modern sexual and reproductive health services;

59. Calls on Member States to uphold their political and financial support for the MDGs, and even step up efforts to achieve MDG5, despite times of economic downturn;

60. Welcomes the recent decision of the United Nations to create an International Day of the Girl Child on 11 October, which is a powerful way to highlight the particular needs and rights of girls, and to advocate greater action and investment to enable girls to reach their full potential in line with international human rights standards and obligations, including the Millennium Development Goals;

61. Reminds the Commission and the Member States of their commitment to implement UN Security Council Resolution 1325 on Women, Peace and Security, and urges the provision of EU humanitarian aid to be made effectively independent from the restrictions on humanitarian aid imposed by the USA, in particular by ensuring access to abortion for women and girls who are victims of rape in armed conflicts;

#### **Governance**

62. Calls on the incoming Council to unblock the Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation with a view to adoption during the Danish Presidency;

63. Requests the Commission to deliver on the European Parliament's resolution on the Stockholm Action Plan;

64. Calls on the Commission to take into account the implications of the Test-Achats case in future legislation in order to improve legal certainty, notably and urgently in relation to Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services;

65. Calls on the Council, within the on-going negotiations on the EU Multiannual Financial Framework 2014-2020, to introduce gender-responsive budgeting in the EU budgetary process and to guarantee predictability and no reduction in the level of EU funding for activities on women's rights and gender equality - including combating violence against women - as related to both internal and external policies;

66. Regrets the lack of progress by Member States on plans to modernise legislation on maternity and paternity leave and calls for a balanced compromise with the future Danish Presidency of the EU, with a view to adoption in the first half of 2012, to respond to the needs of European families and of the European economy; calls on the Commission to put forward proposals for leave arrangements for care for elderly or sick relatives;

67. Calls on the Commission to put forward a comprehensive communication on the situation of single-person households in the EU, with policy proposals to achieve fair treatment in areas like taxation, social security, housing, healthcare, insurance and pensions, based on the principle of policy neutrality with regard to household composition;

68. Calls on the Commission and the Member States to collect, analyse and publish reliable gender-disaggregated data and qualitative gender indicators so as to be able to properly evaluate and update the Commission's Strategy for equality between Women and Men (2010-2015) as well as to monitor the cross-cutting nature of gender equality in all policies;

Tuesday 13 March 2012

69. Reiterates its call on the Commission for a Road Map on Equality for LGBTI people, analogous to the Gender Equality Road Map;

70. Expresses its deep concern about media reports on victims of human trafficking being treated as criminals instead of getting support, and calls on the Commission to investigate the treatment of victims of human trafficking, sexual slavery and forced prostitution in the Member States;

71. Calls for attention to be given to the situation of institutional mechanisms involving gender equality in the Member States, so that the economic downturn, ongoing reforms and other restructurings do not have a particularly negative effect on these mechanisms, without which the horizontal priority of male and female equality with its management specificity is unlikely to be effective;

72. Stresses the need to improve arrangements for the cooperation and involvement of women's organisations, and civil society as a whole, in gender mainstreaming processes;

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

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## Women in political decision-making

P7\_TA(2012)0070

### European Parliament resolution of 13 March 2012 on women in political decision-making – quality and equality (2011/2295(INI))

(2013/C 251 E/02)

*The European Parliament,*

- having regard to the Treaty on European Union, in particular Articles 2 and 3(3) thereof,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 21 and 23 thereof,
- having regard to the 1948 Universal Declaration of Human Rights,
- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
- having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995 and to the subsequent outcome documents adopted at the United Nations Beijing+5 (2000), Beijing +10 (2005) and Beijing +15 (2010) special sessions,
- having regard to the Agreed Conclusions of the Commission on the Status of Women of 2006 on 'Equal participation of women and men in decision-making processes at all levels',
- having regard to the Commission on the Status of Women Agreed Conclusions 1997/2 on the Critical Areas of Concern of the Beijing Platform for Action 1996-1999,

Tuesday 13 March 2012

- having regard to UN General Assembly Resolution A/RES/58/142 on women and political participation and to UN General Assembly Resolution III women and political participation, approved on 18 November 2011; Resolution A/C.3/66/L.20/Rev.1,
  - having regard to the European Pact for Gender Equality (2011-2020), adopted by the European Council in March 2011 <sup>(1)</sup>,
  - having regard to the Commission Communication entitled ‘Strategy for equality between women and men 2010-2015’ (COM(2010)0491),
  - having regard to the Commission Decision of 19 June 2000 relating to gender balance within the committees and expert groups established by it <sup>(2)</sup>,
  - having regard to the Council Recommendation 96/694/EC of 2 December 1996 on the balanced participation of women and men in the decision-making process <sup>(3)</sup>,
  - having regard to the Recommendation of the Committee of Ministers of the Council of Europe Rec (2003)3 on balanced participation of women and men in political and public decision-making, adopted on 12 March 2003, and the results of the two rounds of monitoring of the progress made in the implementation of this Recommendation Rec (2003)3, based on a questionnaire on gender-segregated data on the participation of women and men in political and public decision-making, completed in 2005 and 2008 respectively,
  - having regard to the Parliamentary Assembly of the Council of Europe Resolution (PACE) 1079 (1996), on the increased representation of women in the PACE, Recommendation 1413 (1999) on equal representation in political life, Resolution 1348 (2003) on gender-balanced representation in the PACE, Recommendation 1665 (2004), on women’s participation in elections and Resolution 303 (2010) on achieving sustainable gender equality in local and regional political life,
  - having regard to the Congress of Local and Regional Authorities of the Council of Europe Resolution 85 (1999), Recommendation 68 (1999) on women’s participation in political life in the regions of Europe and Recommendation 111 (2002) on women’s individual voting rights and democratic requirements,
  - having regard to the Declaration on Women’s participation in elections adopted by the European Commission for Democracy through Law (‘Venice Commission’),
  - having regard to the handbook ‘Gender budgeting: practical implementation’ prepared by the Directorate General of Human Rights and Legal Affairs of the Council of Europe (April 2009),
  - having regard to Recommendation 1899(2010) of the Parliamentary Assembly of the Council of Europe on increasing women’s representation in politics through the electoral system, adopted on 27 January 2010,
  - having regard to its resolution of 2 March 2000 on women in decision-making <sup>(4)</sup>,
  - 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 (A7-0029/2012),
- A. whereas there is an imbalance in participation by women and men in political and public decision-making and clear under-representation of women in elected and nominated political positions at the level of the European Union and in its Member States; whereas there is an alarming under-representation of women in the mid-term elections within the European Parliament;

<sup>(1)</sup> Annex to Council Conclusions of 7 March 2011.

<sup>(2)</sup> OJ L 154, 27.6.2000, p.34.

<sup>(3)</sup> OJ L 319, 10.12.1996, p. 11.

<sup>(4)</sup> OJ C 346, 4.12.2000, p.82.

Tuesday 13 March 2012

- B. whereas the participation of women in political decision-making and the methods, strategies and cultural attitudes and tools to combat discrepancies vary greatly at national level within the EU and among its Member States, political parties and social partners;
- C. whereas women's representation in the European Parliament has increased to 35% but has not yet reached parity; whereas women are even more under-represented in leading positions in committees and political groups; whereas the representation of women in the European Commission is stagnating at one third, and the Commission has never been chaired by a woman;
- D. whereas, according to statistics and despite the numerous actions undertaken, an absence of parity prevails, and women's representation in political decision-making has stagnated in recent years instead of displaying linear improvement, the gender balance in national parliaments across the EU remaining unchanged at 24 % women and 76 % men, with women accounting for only 23 % of ministers overall <sup>(1)</sup>;
- E. whereas today an informal system of quotas is de facto in play, where men are privileged over women and where men choose men for decision-making positions, which is not a formalised system but nevertheless a systematic and very real deep-rooted culture of positive treatment of men;
- F. whereas equal representation of women and men in political decision-making is a matter of human rights and social justice and a vital requirement for the functioning of a democratic society; whereas the persistent under-representation of women is a democratic deficit that undermines the legitimacy of decision-making at both EU and national level;
- G. whereas decision-making is based on administrative preparations and thus the number of women in administrative positions, especially in leadership, is a matter of equality and ensures that gender aspects are taken into account in the preparation of all policies;
- H. whereas the European elections to be held in 2014, followed by the appointment of the next European Commission and the nominations for the EU 'Top Jobs', is a chance to move toward parity-based democracy at the EU level and for the EU to be a role model in this area;
- I. whereas the Convention on the Elimination of All Forms of Discrimination against Women states, inter alia, that State parties should take all appropriate measures, including positive measures, to eliminate discrimination against women in political and public life;
- J. whereas the Parliamentary Assembly of the Council of Europe encourages:
- reforms in electoral systems to make them more favourable to women's representation;
  - gender-based anti-discrimination provisions in constitutions and electoral laws, with the necessary exception of allowing positive discrimination measures for the under-represented sex;
  - gender-sensitive civic education and elimination of gender stereotypes and 'built-in' bias against women candidates, especially within political parties but also in the media;
- K. whereas the Beijing Declaration and Platform for Action on women in power and decision-making underlines the fact that equal participation is a necessary condition for women's interests to be taken into account and is needed in order to strengthen democracy and promote its proper functioning; whereas it reaffirms also that the active participation of women, on equal terms with men, at all levels of decision-making is essential to the achievement of equality, sustainable development, peace and democracy;

<sup>(1)</sup> See the quarterly update of the European Commission's database on women and men in decision-making.

Tuesday 13 March 2012

- L. whereas owing to persisting gender stereotypes there is still a severe segregation in key political decision-making positions, with care and distributive tasks such as health, social welfare and the environment being entrusted more to women, while men are assigned powerful, resource-related tasks such as economic and monetary affairs, trade, budget, defence and foreign affairs, which distorts the power structure and resource allocation;
- M. whereas political parties, which bear responsibility for selecting, ranking and nominating candidates for leading positions, have a central role in guaranteeing the equal representation of women and men in politics and should therefore endorse good practices such as voluntary party quotas for elections, which have already been introduced by some political parties in 13 EU Member States;
- N. whereas the World Bank's 1999 study on 'Corruption and Women in Government' concludes that lower levels of government corruption are found where there are higher levels of female participation, because, according to the findings of this research, women have higher ethical behaviour standards and show themselves to be more concerned with the 'common good';
- O. whereas comprehensive multifaceted strategies are needed, consisting of non-binding measures such as targets and voluntary party quotas, enabling measures such as gender education, mentoring and awareness-raising campaigns and legally binding measures such as electoral gender quotas, bearing in mind that legally binding measures, which are compatible with the institutional and electoral system and which entail rank-order rules, monitoring and effective sanctions for non-compliance, have proved most effective in achieving gender balance in politics;
- P. whereas women's access to electoral campaign funding is often more restricted, owing to discrimination within political parties, women's exclusion from moneyed networks and their lower income and savings;
- Q. whereas procedures in electoral systems, political institutions and political parties play a decisive role and have a serious impact on the effectiveness of strategies applied and on the extent to which gender balance is achieved in politics;
- R. whereas women's participation and leadership in political decision-making is still affected by various obstacles such as the absence of enabling supportive environments in political institutions and in society's welfare structures, the persistence of gender-based stereotypes and the consequences of the recent economic crisis and its negative repercussions on gender equality issues;
- S. whereas the low level of participation of women in decision-making and governance is highly attributable to problems in reconciling work and family life, the unequal distribution of family responsibilities, which lie heavily on women's shoulders, and the persisting discrimination at work and in occupational training;

#### ***Women's representation in elected positions***

1. Invites the Council, the Commission and the Member States to design and implement effective gender equality policies and multifaceted strategies for achieving parity in participation in political decision-making and leadership at all levels, especially in the areas of macro-economic policy, trade, labour, budgets, defence and foreign affairs, assessing the impact and making it available to the public by means of appropriate equality indicators, ensuring quantified targets, clear action plans and regular monitoring mechanisms followed up with binding corrective actions and their monitoring where the set targets are not met by the deadlines;
2. Welcomes the parity systems/gender quotas for elections introduced by legislation in some Member States; calls on the Member States to consider introducing legislative measures, such as positive action measures, to make progress toward parity and ensure the efficiency of these measures, when compatible with the electoral system and when the political parties are in charge of the composition of the electoral list, through zipper systems, monitoring and effective sanctions in order to facilitate more balanced participation of women and men in political decision-making;



Tuesday 13 March 2012

3. Invites, moreover, the Council, the Commission and the Member States to enforce parity at all levels by sending clear anti-discrimination messages, by providing appropriate resources, by using specific tools and by promoting necessary training for civil servants responsible for preparing budgets in gender budgeting;
4. Calls on the Member States and the Commission to pay special attention to gender educational programmes aimed at civil society and young people in particular, starting from an early age, acknowledging that women's rights are human rights and parity is essential in political life;
5. Calls on the Commission and Member States to launch a pledge to be endorsed by all political parties at European, national and regional level to take measures to encourage women's active participation and involvement in political life and in elections, to achieve real parity in their internal decision-making, in their nominations for elected office and in party electoral lists through the introduction of quotas and, when compatible with the electoral system and when the political parties are in charge of the composition of the electoral list, to pay attention to the position of women candidates on these lists;
6. Acknowledges the role of political parties as key factors in the promotion of gender parity; calls in consequence for the Member States to require national parties, when compatible with the electoral system and when the political parties are in charge of the composition of the electoral list, to set up and implement quota systems and other types of positive action, to apply rank-ordering rules to electoral candidate lists for regional, national and EU elections, and to define and enforce effective sanctions for non-compliance; calls on the Member States to link and set targets based on parity between sexes for the political parties as a prerequisite for funding;
7. Calls on political parties across Europe to introduce a quota system for candidate lists for party organs and elections, when compatible with the electoral system and when the political parties are in charge of the composition of the electoral list, especially as regards the lists for the 2014 European elections; regards the procedure for drawing up electoral lists whereby women candidates alternate with men at the top of the list as the best way of improving women's participation in politics;
8. Emphasises the need for concrete steps designed to achieve parity in elected offices in the national parliaments and the European Parliament (such as those of the President, Vice-Presidents, Chairs and Vice-Chairs), for instance by setting a target of 50 % representation of men and women in each of those offices;
9. Welcomes the Commission's intention of encouraging participation of women in the next European Parliament elections through the financial programmes 'Fundamental Rights and Citizenship' and 'Europe for Citizens'; calls on the Commission to ensure in its relevant annual work programmes that enough funding is available in 2013-2014 for financing, inter alia, appropriate awareness-raising campaigns in the media to encourage the election of women and to ensure that this funding is easily accessible to national parties and to civil society organisations for project initiatives aimed at increasing women's participation in decision-making;
10. Calls on the Commission to encourage and fund actions related to promoting parity in decision-making positions and political activities when programming the next funding period, 2014-2020, for the abovementioned programmes or their successors, as well as when planning actions for the planned European Year of Citizens 2013;
11. Calls on the Commission to launch parity-targeting campaigns for the electoral lists for the European Parliament at least two years ahead of each election announcement and to encourage Member States to carry out similar actions in their local and regional elections;

#### ***Women's representation in nominated positions***

12. Calls on the Member States to support parity by proposing a woman and a man as their candidates for the office of European Commissioner; calls on the President of the Commission to achieve parity when forming the Commission; calls on the Commission to publicly support this procedure; recalls that Parliament should have particular regard to gender balance in this procedure and reiterates the importance of taking the equal representation of women and men into account when giving its consent to the new Commission, in accordance with Rule 106;

Tuesday 13 March 2012

13. Calls on the Commission and the Council to commit to meeting the target of parity in all their decision-making bodies, by establishing and implementing quota systems and other types of positive action when recruiting high-level officials; calls on the national governments to nominate both women and men to high-level positions at EU level;

14. Takes note of the Commission commitment expressed in its Strategy for Equality between Women and Men – 2010-2015 to monitor progress towards the aim of 40 % of members of one sex in its committees and expert groups, and calls on the EU institutions, bodies and agencies to take concrete action and set up strategies with the aim of achieving balanced participation in their decision-making processes;

15. Calls on the Member States to promote positive action measures, including binding legislative measures, with a view to ensuring parity in all governing bodies and public appointments and to develop tools for gender monitoring of nominations and elections;

#### ***Measures to promote women's participation in political life***

16. Encourages the Commission and the Member States to implement positive action measures, such as preferential treatment, when a gender is under-represented;

17. Calls on the Member States to make the selection procedures for nominating men and women for appointment to decision-making bodies transparent, including by publicly requesting curricula vitae and basing selection on merit, competence and representativeness;

18. Calls on the Commission and the Member States to increase measures supporting women's organisations, including by providing them with adequate funding and creating platforms for cooperation and gender campaigning in elections;

19. Calls on the Commission and the Member States to facilitate women's networks and to promote mentoring, adequate training and exchange of good practices and programmes, with a special emphasis on women policy-makers in their early careers;

20. Calls on the Commission and the Member States to ensure that women have access, if necessary by preferential treatment, to leadership training and positions of leadership as part of career promotion in order to enhance women's leadership skills and experience;

21. Acknowledges the other actors as a relevant part of the wider democratic process and thus invites the Council, the Commission and the Member States to promote and welcome the efforts of employers' organisations and trade unions, the private sector, non-governmental organisations and all organisations that normally form part of advisory councils related to government to achieve equality of women and men in their ranks, including equal participation in decision-making;

22. Calls on the Council, Commission and Member States to enable women and men to take an active part in political decision-making by promoting reconciliation and a balance between family life and working life by means of measures such as sharing the costs of parenthood equally between both parents' employers and ensuring accessible and adequate services for e.g. child and elderly care and calls on the Commission to support equal access to services, minimum income and freedom from gender-based violence by appropriate legislative proposals in the form of directives;

23. Recalls the importance of preferential treatment and special measures in promoting the representation of people from different backgrounds and disadvantaged groups, such as people with disabilities, migrant women and members of ethnic and sexual minorities, in decision-making positions;

Tuesday 13 March 2012

24. Takes note of the importance of media and education in promoting women's participation in politics and in reforming societal attitudes; underlines the importance of raising the awareness of the media, and of public broadcasters in particular, of the need to ensure fair and balanced coverage of men and women candidates during elections and of monitoring the media to identify gender bias and means to address it and thus to promote efforts to eliminate stereotypes and encourage the portrayal of positive images of women as leaders, including women politicians as role models, at national, regional and European level;

25. Urges the Member States, the Council and the Commission, by strengthening the role and resources of the European Institute for Gender Equality (EIGE) and by facilitating cooperation with women's non-governmental organisations, to promote and exchange good practices that contribute to achieving gender balance in decision-making positions;

26. Invites the Member States and the Commission, especially through the involvement of the EIGE where appropriate, to collect, analyse and disseminate data broken down by sex for the purpose of monitoring gender equality in decision-making in all sectors (public and private) and at all hierarchical levels and as a basis for further measures if the set targets are not met; calls on the Commission to continue to collect and disseminate comparable data at EU level through the use of its database on women and men in decision-making positions and to develop this observatory towards a European map of gender balance that includes the annual variations experienced at EU, state and regional levels with regard to gender balance, on the basis of common indicators; considers that this map should include, at least:

- the objectives for promotion of gender balance, expressed as a percentage of representation, that are incorporated in the legislation of Member States and of European regions with legislative powers to regulate their electoral processes;
- the percentages of representation of each sex in the European, state and regional parliaments and in local institutions;
- the percentage of representation of each sex in the executive bodies elected or controlled by the above-mentioned legislative institutions;

27. Calls on the Commission to submit a yearly report to the European Parliament's Committee on Women's Rights and Gender Equality on the progress of gender equality in decision-making in the European Union;

28. Calls on the Commission and Member States to assess the impact of the various electoral systems at national, local and European levels, and also of the measures and good practice implemented at the various levels, on the balance of women's representation;

#### ***Promotion of gender-balanced representation in politics in external relations***

29. Recalls its demand for gender parity at all levels in the appointment of staff of the European External Action Service (EEAS); calls on the EEAS to promote women's participation in decision-making in the external relations of the European Union and to ensure that all delegations representing the EU respect the principle of gender parity as regards their composition and that there is balance in speaking time allocated to women and men in these contexts; points out the need to increase the number of women serving as mediators and chief negotiators in processes to observe the situation with regard to human rights and prevention of corruption and in peace building as well as in other negotiation processes such as international trade and environment negotiations;

30. Calls on the Commission and the Member States to ensure that adequate financial and technical assistance is provided for special programmes focusing on enhancing women's participation in electoral processes through training, civic education and media mobilisation and the involvement of local NGOs, in addition to funding general education programmes promoting gender-sensitive civic awareness, elimination of gender stereotypes and 'built-in' bias against women;

Tuesday 13 March 2012

31. Calls on the Commission and the EEAS to take measures to promote balanced representation of women at all levels in political life in multinational organisations such as the UN, in governments and in national parliaments as well as at regional and local level and in local authorities and to increase cooperation with other actors at the international level, such as UN WOMEN and the Inter-parliamentary Union, in order to promote these goals;

32. Calls on its policy departments to ensure that briefing notes for delegations always include a gender perspective and highlight issues of importance for gender equality;

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

## **Statute for a European Cooperative Society with regard to the involvement of employees**

P7\_TA(2012)0071

### **European Parliament resolution of 13 March 2012 on the Statute for a European Cooperative Society with regard to the involvement of employees (2011/2116(INI))**

(2013/C 251 E/03)

*The European Parliament,*

- having regard to Articles 4, 54, 151 to 154 of the Treaty on the Functioning of the European Union,
- having regard to ILO Recommendation 193 of 3 June 2002 concerning the promotion of cooperatives,
- having regard to Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company <sup>(1)</sup>,
- having regard to Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE) <sup>(2)</sup>,
- having regard to the Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees <sup>(3)</sup>,
- having regard to the Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees <sup>(4)</sup>,
- having regard to the Commission Communication of 23 February 2004 on the promotion of cooperative societies in Europe (COM(2004)0018),
- having regard to the Commission Communication of 3 March 2010 entitled 'Europe 2020 - A strategy for smart, sustainable and inclusive growth' (COM(2010)2020),
- having regard to the Commission Communication of 27 October 2010 entitled '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),

<sup>(1)</sup> OJ L 294, 10.11.2001, p. 1.

<sup>(2)</sup> OJ L 207, 18.8.2003, p. 1.

<sup>(3)</sup> OJ L 294, 10.11.2001, p. 22.

<sup>(4)</sup> OJ L 207, 18.8.2003, p. 25.

Tuesday 13 March 2012

- having regard to the Commission Communication of 16 December 2010 entitled ‘The European Platform against Poverty and Social Exclusion: A European framework for social and territorial cohesion’ (COM(2010)0758),
  - having regard to the Commission Communication of 13 April 2011 entitled ‘Single Market Act - Twelve levers to boost growth and strengthen confidence - Working together to create new growth’ (COM(2011)0206),
  - having regard to the Synthesis Report on Directive 2003/72/EC supplementing the Statute for a European Cooperative Society with regard to the involvement of employees <sup>(1)</sup>,
  - having regard to the Study on the implementation of Council Regulation (EC) No 1435/2003 on the Statute for European Cooperative Society (SCE) <sup>(2)</sup>,
  - having regard to the United Nations International Year of Cooperatives 2012 <sup>(3)</sup>,
  - having regard to the ILO report entitled ‘Resilience of the Cooperative Business Model in Times of Crisis’ <sup>(4)</sup>,
  - having regard to the Opinion of the European Economic and Social Committee on ‘Diverse forms of enterprise’ <sup>(5)</sup>,
  - having regard to its resolution of 19 February 2009 on Social Economy <sup>(6)</sup>,
  - having regard to its resolution of 19 February 2009 on the implementation of Directive 2002/14/EC establishing a general framework for informing and consulting employees in the European Community <sup>(7)</sup>,
  - having regard to its resolution of 5 June 2003 on a framework for the promotion of employee financial participation <sup>(8)</sup>,
  - having regard to the Commission report of 16 September 2010 on the review of Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees (COM(2010)0481),
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Employment and Social Affairs and the opinions of the Committee on Legal Affairs and the Committee on Women’s Rights and Gender Equality (A7-0432/2011),
- A. whereas cooperative enterprises promote the interests of their members and users as well as solutions to societal challenges, and seek both to maximise benefits to members and ensure their livelihood by means of a long-term and sustainable business policy and to put the well-being of clients, employees and members in the entire region at the centre of business strategy;

<sup>(1)</sup> Carried out by Fernando Valdés Dal-Ré, Prof. Labour Law, Labour Asociados Consultores, 2008.

<sup>(2)</sup> Carried out by Cooperatives Europe, European Research Institute on Cooperative and Social Enterprises, EKAI Center, 2010.

<sup>(3)</sup> United Nations, A/RES/64/136.

<sup>(4)</sup> Johnston Birchall and Lou Hammond Ketilson, International Labour Organisation, 2009.

<sup>(5)</sup> OJ C 318, 23.12.2009, p. 22.

<sup>(6)</sup> OJ C 76 E, 25.3.2010, p. 16.

<sup>(7)</sup> OJ C 76 E, 25.3.2010, p. 11.

<sup>(8)</sup> OJ C 68 E, 18.3.2004, p. 429.

Tuesday 13 March 2012

- B. whereas cooperative enterprises, by their nature, are structurally linked to the area in which they are based and therefore play an important part in accelerating local development, which is a decisive factor in generating genuine social, economic and territorial cohesion; whereas, in cooperative societies, the financing of continuing training in the fields of social responsibility and entrepreneurship, which are two areas not fully covered by other instruments of social participation, is of fundamental importance;
- C. whereas, in cooperative enterprises, the participation of the enterprise's members has to take precedence and be reflected in the governance and ownership structure of the cooperative;
- D. whereas cooperatives are an important pillar of the European economy and a key driver for social innovation, and thus in particular preserve infrastructure and local services specifically in rural areas and conurbations, and whereas Europe has 160 000 cooperatives, owned by more than a quarter of all Europeans, which provide work for around 5.4 million employees;
- E. whereas cooperatives compete with investor-driven companies in many economic areas, whereas cooperative enterprises have considerable economic power on globalised markets and even multinational cooperatives often remain linked to local needs;
- F. whereas cooperative banks have shown high levels of sustainability and resilience during the financial crisis, thanks to their cooperative business model; whereas thanks to their cooperative business model they increased turnover and growth during the crisis with less bankruptcies and redundancies; whereas cooperative enterprises also provide high-quality, inclusive and crisis-resilient employment, often with high ratios of female and migrant employment and contribute towards the sustainable economic and social development of an area by providing local, non relocatable jobs; whereas cooperatives can be seen as a successful and contemporary approach to the social economy and can contribute to providing secure employment prospects and allow employees to plan their life flexibly at their place of origin, especially in rural areas;
- G. whereas the financial and economic crisis has shown that the issue of the attractiveness of a legal form cannot be answered from the sole point of view of the shareholders; whereas it should be noted that, as a social organisation, an enterprise has responsibilities towards shareholders, employees, creditors and society and this fact should be taken into account in such evaluations;
- H. whereas legislation regarding cooperatives and employee participation varies substantially across the EU;
- I. whereas the statute for a European Cooperative Society (SCE) is so far the only social economy legal form available at EU level, following the withdrawal of the Commission proposals for a European Association and a European Mutual Society in 2003 and given that the statute for a European Foundation is still under development;
- J. whereas the establishment of an SCE statute aims at encouraging the development of the internal market by facilitating the activity of this type of company at EU level;
- K. whereas the introduction of the statute for an SCE is a milestone in the recognition of the cooperative business model at EU level, also in those Member States where the concept of cooperatives has been discredited for historical reasons;
- L. whereas, in SCEs, the transnational involvement of employees, including their right to participate on administrative boards, is an asset;
- M. whereas the EU 2020 strategy calls for an economy based on high levels of employment, delivering economic, social and territorial cohesion, whereas this includes a strong social economy;
- N. whereas the United Nations International Year of Cooperatives 2012 provides an excellent opportunity to promote the cooperative business model;

Tuesday 13 March 2012

**Cooperatives in the EU context**

1. Recalls that cooperatives and other social economy enterprises are part of the European social model and the single market and therefore deserve strong recognition and support, as provided for in the constitutions of some Member States and various EU key documents;
2. Recalls that cooperatives could constitute another step in the completion of the EU internal market and aim to reduce existing cross-border obstacles and enhance its competitiveness;
3. Points out that Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE) (hereinafter the Statute) and Directive 2003/72/EC supplementing the Statute for a cooperative society with regard to the involvement of employees (hereinafter the Directive) are closely interlinked;
4. Welcomes Commission communication COM(2012)0072; welcomes the Commission's intention to simplify the Statute while strengthening the cooperative-specific elements, and the fact that this will be accompanied by a stakeholder consultation; asks for Parliament's position on the SCE to be taken into account in this process;
5. Views with regret the fact that the SCE is not yet a success given its scarce use - until 2010 only 17 SCEs had been established, with a total of 32 employees <sup>(1)</sup>; emphasises that these stark figures show the Statute to be poorly suited to the specific circumstances of cooperative societies in Europe even though entrepreneurs have expressed an interest in setting up an SCE; welcomes that an in depth assessment of the Statute has been conducted in order to ascertain why it has proven unattractive, has had such little impact and what can be done to overcome lack of experience in implementation and other obstacles;
6. Notes that the use of the SCE is often restricted to second-degree cooperatives consisting of legal persons only, by mutual societies, which lack a European statute but wish to use a legal status associated with the social economy, and by large companies; notes that it remains difficult for small cooperative societies, - which constitute a major part of cooperative movement in Europe - to access the SCE;

**Employee participation in SCEs**

7. Welcomes the fact that employee participation provisions are considered a core element in the SCE; points out, however, that they should provide for the requirements linked to the special nature of cooperatives;
8. Points out that several Member States have not transposed articles of the directive concerning employees' rights, including the gender specific provisions, and that this has led to a number of gaps regarding the monitoring and the implementation of worker participation procedures and stresses the need to remedy this so as to prevent abuse of SCE arrangements; views with regret the fact that the standard rules on the participation of workers in administrative bodies do not make worker participation a requirement;
9. Is satisfied, however, that some Member States have not only correctly transposed the Directive, but have in fact gone further than the Directive's requirements;
10. Nevertheless, calls on the Commission to monitor closely the application of Directive 2003/72/EC in order to prevent its misuse for purposes of depriving employees of their rights; urges the Commission to adopt the measures necessary to ensure the correct transposition of Article 13 of the Directive;
11. Notes that Article 17 of the Directive requires the Commission to assess its implementation and, if needed, revise it; stresses that the modest use of the Statute impedes proper evaluation of the Directive;
12. Notes that the Directive should not be revised before the Statute, asks to consider the insertion of the provisions on employee participation directly in the Statute for the sake of simplification and smarter regulation;

<sup>(1)</sup> COM(2010)0481.

Tuesday 13 March 2012

13. Stresses that a revision of the Directive should address the specific needs of employees in cooperatives, including the option to be both owner and employee of the same enterprise; calls on the Commission to develop instruments to facilitate employee and user ownership of cooperatives; aims for employee participation in enterprises to be taken for granted in all Member States of the European Union; advocates greater employee participation in cross-border forms of enterprise rather than remaining at the level of the lowest common denominator;

14. Welcomes the conclusions of the study on the implementation of Regulation (EC) No 1435/2003 on the Statute for a European Cooperative Society (SCE) <sup>(1)</sup>, particularly as regards the measures proposed to promote the SCE by increasing awareness of it through educational programmes addressed to advisors in cooperative law and social actors, and by promoting cooperation between cooperative societies at cross-border level;

15. Calls on the Commission and on the Member States to encourage cooperatives to increase the participation of women in the SNB and to implement diversity policies in order to guarantee gender equality in professional and private life and, in particular, increase women participation in senior management positions; calls on the Commission to take into account the gender perspective when monitoring the correct implementation of the Directive, as well as in the future revision of the SCE regulation;

16. Urges the Commission to include SCEs in the possible European regulations in order to guarantee that women are better represented at senior management levels and on the boards of public and listed companies, in the event that companies do not voluntarily achieve the targets of 30% by 2015 and 40% by 2020;

#### ***The future of the Statute***

17. Stresses that, owing to its complexity, the Statute only partially meets the needs of cooperatives and that it should be simplified and made intelligible to all to make it more user-friendly, easily understood and better applicable, thus ensuring the rights of information, consultation and participation of all employees without losing quality;

18. Draws attention to the diversity of traditions and laws on cooperatives across the EU; stresses that the Statute should provide for an autonomous legal framework for SCEs alongside existing national law on cooperatives and that direct harmonisation is thus not taking place;

19. Emphasises that the Statute for a European Cooperative Society should not be made more attractive by reducing standards; is of the opinion that the review of the Statute must facilitate a furthering of the recognition of this type of society in the EU; emphasises that the economic weight of cooperative societies, their crisis resilience and the values on which they are based clearly show them to be relevant in the EU of today and justify a revision of the Statute; stresses that future European SCE initiatives and measures must be centred on transparency, protection of stakeholders' rights and respect for national customs and traditions; points out that for certain national cooperatives the incentive to use the Statute is unfortunately limited, because of their existing holding structure; stresses that the option of merging national cooperatives from different Member States should be strengthened;

20. Insists on the involvement of all stakeholders in the revision process, especially social actors involved in the cooperative and trade union movement, while also highlighting the need to complete the process in a timely manner;

#### ***Increasing employment in cooperatives and SCEs and strengthening cooperatives as core elements of the social economy***

21. Expects from the Commission to take appropriate measures in order to ensure a full implementation of the directive;

<sup>(1)</sup> Contract No SI2.ACPROCE029211200 of 8 October 2009.



Tuesday 13 March 2012

22. Deplores the fact that Parliament's recommendations on cooperatives were largely ignored by the Commission; recalls that the resolution <sup>(1)</sup> called for:

- the specificities of social economy enterprises to be recognised and taken into account in European policies,
- steps to be taken to ensure that the European Observatory of SMEs includes social economy enterprises in its surveys,
- the dialogue with social economy enterprises to be stepped up,
- the legal framework for such enterprises in the Member States to be improved;

23. Recalls that in COM(2004)0018 the Commission committed itself to twelve actions, including:

- supporting stakeholders and organising a structured exchange of information,
- disseminating best practice to improve national legislation,
- collecting European statistics on cooperatives,
- simplifying and revising European legislation on cooperatives,
- initiating tailored education programmes and including references to cooperatives in EIF financial instruments;

24. Deplores the fact that, of this list of commitments, only three have been put into practice, with no significant results; stresses that such shortcomings limit the development potential of cooperatives;

25. Points out that a lack of resources leads to a lack of results; stresses the need for urgent improvements within the Commission in terms of organisation and the resources devoted to the social economy, given the current dispersion of competences and staff resources working on social economy inside the Commission;

26. Stresses that EU policies in all areas need to recognise the specificities and added value of social economy enterprises, including cooperative enterprises, through adapting legislation on public procurement, State aid and financial regulation accordingly;

27. Calls on the Member States to foster more favourable conditions for cooperatives, such as access to credit and tax incentives;

28. Calls on the Commission to take the financial structure of cooperatives into account in connection with capital requirements legislation and accounting and reporting standards; points out that all cooperatives, and cooperative banks in particular, are affected by legislation concerning the redemption of cooperative shares and indivisible reserves;

29. Points to the specific challenges created by the digital revolution which face the media sector, and particularly publishers operating as cooperatives;

30. Urges the Commission to come up with an open method of coordination for the social economy including cooperative enterprises, which are key players in this sector, involving both the Member States and stakeholders in order to encourage exchanges of best practices and bring about for a gradual improvement in the Member States' taking account of the nature of cooperatives, in particular in the areas of taxation, loans, administrative burdens and business-support measures;

<sup>(1)</sup> OJ C 76 E, 25.3.2010, p. 16.

Tuesday 13 March 2012

31. Welcomes the fact that the Single Market Act recognises the need to promote the social economy, and urges the Commission to launch the much anticipated 'Social Business Initiative' based on cooperative principles <sup>(1)</sup>;
32. Calls on the Commission to consider a European Year of Social Economy;
33. Supports business-support measures, in particular business-consultancy and employee training, and access to funding for cooperatives, especially for employee or customer buy-outs, as they are an underrated tool for saving enterprises at times of crisis and for the transfer of family enterprises;
34. Stresses the growing importance of cooperatives in the area of social services and public goods; stresses the need to ensure decent working conditions and to address the health and safety related issues in this sector regardless of the status of the employer;
35. Stresses the need to ensure cooperatives' input in the social dialogue at the EU level;
36. Highlights the potential of the SCE for promoting gender equality through the implementation of policies and programmes at various levels, paying particular attention to education, vocational training, action to promote entrepreneurship and ongoing training programmes; notes that gender equality in decision-making at various levels is economically beneficial and also creates favourable conditions enabling skilled and talented people to carry out management and supervisory duties; stresses, further, that some aspects of cooperative work provide flexibility that makes it easier to reconcile family and professional life; calls on the Commission to design a mechanism for the exchange of best gender equality practices between the Member States;
37. Stresses that the SCE can respond to women's needs, improving their standard of living through access to decent work opportunities, savings and loan institutions, housing and social services, education and training;

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38. 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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<sup>(1)</sup> <http://www.ica.coop/coop/principles.html>.

## **Bologna process**

P7\_TA(2012)0072

### **European Parliament resolution of 13 March 2012 on the contribution of the European institutions to the consolidation and progress of the Bologna Process (2011/2180(INI))**

(2013/C 251 E/04)

*The European Parliament,*

- having regard to Article 165 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Universal Declaration of Human Rights, and in particular Article 26 thereof,
- having regard to the Charter of Fundamental Rights of the European Union, and in particular Article 14 thereof,

Tuesday 13 March 2012

- having regard to the Sorbonne Joint Declaration, signed on 25 May 1998 in Paris, on harmonisation of the architecture of the European higher education system, by the four Ministers in charge for France, Germany, Italy and the United Kingdom (Sorbonne Declaration) <sup>(1)</sup>,
- having regard to the Joint Declaration signed in Bologna on 19 June 1999 by the Ministers of Education from 29 European countries (Bologna Declaration) <sup>(2)</sup>,
- having regard to the Communiqué issued by the Conference of European Ministers responsible for Higher Education on 28-29 April 2009 in Leuven and Louvain-la-Neuve <sup>(3)</sup>,
- having regard to the Budapest-Vienna Declaration of 12 March 2010 adopted by the Education Ministers from 47 countries, which officially launched the European Higher Education Area (EHEA) <sup>(4)</sup>,
- having regard to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications <sup>(5)</sup>,
- having regard to the recommendation of the European Parliament and of the Council of 28 September 2005 to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research <sup>(6)</sup>,
- having regard to the recommendation of the European Parliament and of the Council of 15 February 2006 on further European cooperation in quality assurance in higher education <sup>(7)</sup>,
- having regard to the recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning <sup>(8)</sup> (EQF-LLL),
- having regard to the Council conclusions of 12 May 2009 on a strategic framework for European cooperation in education and training ('ET 2020') <sup>(9)</sup>,
- having regard to the conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, of 26 November 2009 on developing the role of education in a fully-functioning knowledge triangle <sup>(10)</sup>,
- having regard to the Council conclusions of 11 May 2010 on the internationalisation of higher education <sup>(11)</sup>,
- having regard to the Council recommendation of 28 June 2011 on policies to reduce early school leaving <sup>(12)</sup>,
- having regard to the Council recommendation of 28 June 2011 entitled 'Youth on the Move – Promoting the learning mobility of young people' <sup>(13)</sup>,
- having regard to the Commission communication of 10 May 2006 entitled 'Delivering on the modernisation agenda for universities: education, research and innovation' (COM(2006)0208),
- having regard to the Commission communication of 3 March 2010 entitled 'EUROPE 2020 – A strategy for smart, sustainable and inclusive growth' (COM(2010)2020),

<sup>(1)</sup> [http://www.ehea.info/Uploads/Declarations/SORBONNE\\_DECLARATION1.pdf](http://www.ehea.info/Uploads/Declarations/SORBONNE_DECLARATION1.pdf)

<sup>(2)</sup> [http://www.ehea.info/Uploads/Declarations/BOLOGNA\\_DECLARATION1.pdf](http://www.ehea.info/Uploads/Declarations/BOLOGNA_DECLARATION1.pdf)

<sup>(3)</sup> [http://www.ehea.info/Uploads/Declarations/Leuven\\_Louvain-la-Neuve\\_Communique%C3%A9\\_April\\_2009.pdf](http://www.ehea.info/Uploads/Declarations/Leuven_Louvain-la-Neuve_Communique%C3%A9_April_2009.pdf)

<sup>(4)</sup> [http://www.ehea.info/Uploads/Declarations/Budapest-Vienna\\_Dedaration.pdf](http://www.ehea.info/Uploads/Declarations/Budapest-Vienna_Dedaration.pdf)

<sup>(5)</sup> OJ L 255, 30.9.2005, p. 22.

<sup>(6)</sup> OJ L 289, 3.11.2005, p. 23.

<sup>(7)</sup> OJ L 64, 4.3.2006, p. 60.

<sup>(8)</sup> OJ C 111, 6.5.2008, p. 1.

<sup>(9)</sup> OJ C 119, 28.5.2009, p. 2.

<sup>(10)</sup> OJ C 302, 12.12.2009, p. 3.

<sup>(11)</sup> OJ C 135, 26.5.2010, p. 12.

<sup>(12)</sup> OJ C 191, 1.7.2011, p. 1.

<sup>(13)</sup> OJ C 199, 7.7.2011, p. 1.

Tuesday 13 March 2012

- having regard to the Commission communication of 26 August 2010 on a Digital Agenda for Europe (COM(2010)0245),
  - having regard to the Commission communication of 20 September 2011 entitled ‘Supporting growth and jobs – an agenda for the modernisation of Europe’s higher education systems’ (COM(2011)0567),
  - having regard to the report entitled ‘Higher Education in Europe 2009: Developments in the Bologna Process’ (Eurydice, European Commission, 2009) <sup>(1)</sup>,
  - having regard to the report entitled ‘Focus on Higher Education in Europe 2010: The Impact of the Bologna Process’ (Eurydice, European Commission, 2010) <sup>(2)</sup>,
  - having regard to the 2007 Eurobarometer survey on higher education reform among teaching professionals <sup>(3)</sup>,
  - having regard to the 2009 Eurobarometer survey on higher education reform among students <sup>(4)</sup>,
  - having regard to the Eurostat publication of 16 April 2009 entitled ‘The Bologna Process in Higher Education in Europe – Key indicators on the social dimension and mobility’ <sup>(5)</sup>,
  - having regard to the Final report of the International Conference on Funding of Higher Education held in Yerevan, Armenia, 8-9 September 2011 <sup>(6)</sup>,
  - having regard to its resolution of 23 September 2008 on the Bologna Process and student mobility <sup>(7)</sup>,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Culture and Education and the opinion of the Committee on the Internal Market and Consumer Protection (A7-0035/2012),
- A. whereas the goals of the Bologna Process – to enable compatible systems of higher education in Europe and to do away with the barriers which still prevent people from moving to another country in order to study or work and make higher education in Europe attractive to as many people as possible, including young people from third countries – are still valid and the continuation of the process, through a dialogue between the different levels of the educational system in order to develop curricula to be built on each preliminary level, is serving the goals of growth based on knowledge and innovation within the Europe 2020 strategy, particularly in the current economic crisis; whereas an assessment is needed in order to establish the evolution of the Process and to take account of the success stories, problems, lack of understanding and opposition encountered;
- B. whereas the role of higher education is to provide a learning environment, open to everyone without discrimination, promoting autonomy, creativity, access to quality education and the broadening of knowledge, and to this end it is essential to guarantee the involvement of the academic community as a whole, particularly students, teachers and researchers, in developing the various stages of university education;
- C. whereas, in view of their threefold function (education, research and innovation), universities have a vital part to play in the future of the Union and the education of its citizens;
- D. whereas the university is a major aspect of European heritage, now almost a thousand years old, whose significance as a force for progress in society cannot be reduced to its contribution to the economy and whose development cannot be made solely contingent on economic needs;

<sup>(1)</sup> [http://eacea.ec.europa.eu/education/eurydice/documents/thematic\\_reports/099EN.pdf](http://eacea.ec.europa.eu/education/eurydice/documents/thematic_reports/099EN.pdf)

<sup>(2)</sup> [http://eacea.ec.europa.eu/education/eurydice/documents/thematic\\_reports/122EN.pdf](http://eacea.ec.europa.eu/education/eurydice/documents/thematic_reports/122EN.pdf)

<sup>(3)</sup> [http://ec.europa.eu/public\\_opinion/flash/fl198\\_en.pdf](http://ec.europa.eu/public_opinion/flash/fl198_en.pdf)

<sup>(4)</sup> [http://ec.europa.eu/public\\_opinion/flash/fl\\_260\\_en.pdf](http://ec.europa.eu/public_opinion/flash/fl_260_en.pdf)

<sup>(5)</sup> [http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-78-09-653/EN/KS-78-09-653-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-78-09-653/EN/KS-78-09-653-EN.PDF)

<sup>(6)</sup> <http://www.ehea.info/news-details.aspx?ArticleId=253>

<sup>(7)</sup> OJ C 8 E, 14.1.2010, p. 18.

Tuesday 13 March 2012

- E. whereas the three-degree structure is applied – in some cases successfully – in most of the Bologna countries, despite the difficulties encountered;
- F. whereas the commitment to push forward the reform should not be pursued via fragmented action and without adequate financial support; whereas the cuts in public spending on education being made in certain Member States are not helping to promote the necessary reforms;
- G. whereas mobility must be available to all and is the cornerstone of the higher education reform; whereas student mobility may ultimately help to foster professional mobility; whereas, however, accessibility for all must also be kept in mind throughout the process;
- H. whereas the Member States need to make further efforts to guarantee the mutual recognition of diplomas, which is crucial for the success of the process;
- I. whereas the social dimension must be strengthened as a necessary condition for the development of the Bologna Process, with the goal of making the right to study economically accessible to all students – especially those from vulnerable groups – in order to create fair access for all and better job opportunities;
- J. whereas universities, public administrations and enterprises must be strongly committed to the issue of employability; whereas the university should provide individuals with the tools and skills required to ensure the full development of their human potential; whereas academic learning should also take into account the needs of the labour market, with the goal of providing students with the skills they need to find a stable, well paid job;
- K. whereas access to education – a fundamental Union value – is a public responsibility of the Member States, the EU institutions and other key actors and the European Union has a key role to play in the establishment of the European Higher Education Area by supporting the Member States' efforts and cooperation in this field; whereas greater coordination of education and degrees – while respecting the principle of subsidiarity – is a precondition for the achievement of the goals of employability and growth in Europe;
- L. whereas the Bologna Process shall not have retroactive effects on students who already started their degree following the pre-Bologna plan;

### ***Relevance of the process***

1. Stresses the importance of education as a key area for cooperation with Member States in order to achieve essential EU2020 jobs and growth targets and much needed economic recovery;
2. Calls for a strengthening at EU level of support for the Bologna Process, in particular as regards the mutual recognition of academic qualifications, the harmonisation of academic standards, the promotion of mobility, the social dimension and employability, active democratic participation, the analysis of implementation of the Bologna principles, and the elimination of administrative obstacles; calls on Member States to reiterate their commitment to the Process by strengthening the system of funding in order to achieve the growth targets set in the Europe 2020 Strategy;
3. Notes that the European Higher Education Area (EHEA) is a major achievement from the point of view of creating and fostering genuine European citizenship; considers that it must translate into enhancement of the EHEA through the use of appropriate tools and procedures;
4. Highlights that the Bologna Process and EHEA play a key role in the Europe 2020 strategy and points out that the alliance between teaching and research is crucial inasmuch as it is a distinctive feature of European higher education;

Tuesday 13 March 2012

5. Highlights the fact that the priorities set up within the Bologna Process – mobility, recognition, employability – represent the conditions necessary to guarantee that every student enrolled in a European university has the right to quality education, to graduate and to see his qualification recognised in any EU country;

#### **Governance**

6. Calls for the development of an effective, bottom-up approach, fully involving all key actors such as universities, trade unions, professional organisations, research institutions, the business sector and, first and foremost, teachers, students, student organisations and university staff;

7. Notes that some European Universities are reluctant to make sufficient efforts to achieve a consolidated EHEA, while being part of the EHEA is the only way for some of them to enhance the competitiveness and quality of the knowledge they produce;

8. Calls for a commitment on the part of universities to new teaching and new professional and lifelong training strategies – making optimum use of new technologies and recognising the importance of complementary forms of learning such as non-formal education – that are focused on the pillars of a learning-centred, student-centred and research-centred university system able to provide critical thinking, creative skills, continuous professional development as well as theoretical and practical knowledge which students will need in their working lives; calls for Member States and the EU to financially support universities in their efforts to change and develop their education practices;

9. Urges that teacher training programmes should be strengthened and expanded, taking account of the possibilities offered by lifelong learning and new technologies;

10. Stresses that the opening of European universities to the needs of the global economy and the further consolidation of the EHEA should be considered as efforts by European universities to help Europe overcome the period of general economic insecurity and to put Europe back on the path of sustainable development and growth;

11. Calls for the development of the universities' 'third mission' to society, which should also be considered in connection with the multidimensional criteria to be devised for the purposes of classification and the recognition of excellence;

12. Calls for increased public investment in higher education, especially aimed at countering the economic crisis with growth based on enhanced skills and knowledge and at responding to higher student demand with improved quality of and access to education and services, particularly scholarships; believes that budget reductions have a negative impact on attempts to strengthen the social dimension of education, which is the principle on which the Bologna Process is founded; calls therefore on the Member States and the EU institutions to develop new, targeted and flexible funding mechanisms – and to promote European-wide grants – with a view to supporting growth, excellence and the particular and diverse vocations of universities; stresses the need to develop a multi-fund approach, defined by clear and effective rules, aimed at coping with the future EU financing model and ensuring the independence of universities;

#### **Consolidation**

13. Points out that the Bologna Process and the Erasmus programme have boosted student mobility and have the potential to contribute to enhanced labour mobility; regrets, however, that mobility rates still remain relatively low;

14. Calls on the EU, the Member States and universities to establish mechanisms for providing information and financial and administrative support for all students, academics and staff in order to foster structured mobility flows; welcomes the introduction of the Erasmus programme for postgraduate students and calls for a strengthening of the services of Erasmus as a whole and the new generation of educational programmes through enhanced funding, based on social criteria, the opening of the programme to a larger number of students, genuine and effective credit recognition, enhanced possibilities for including terms abroad as part of the training and greater flexibility of the time frame allowed; insists, nevertheless, that in no case must mobility create discrimination against students with limited financial resources;

Tuesday 13 March 2012

15. Takes the view that mobility among university lecturers broadens the education and experience of not only the lecturers themselves, but also, indirectly, of their students, and that it enables them to collaborate in the preparation of study materials;
16. Calls on Member States to fulfil the commitment to full portability of loans and grants, and significantly improve financial support for mobile students that matches the increases in new EU programmes; asks the EU to consider how existing legislation on the rights to freedom of movement can be enhanced through guaranteeing portability of loans and grants;
17. Calls on the EU to take immigration from Africa, Asia, and Latin America more fully into account for the purpose of laying down rules providing for recognition of school qualifications obtained in countries of origin;
18. Asks the EU, in order to guarantee mutual trust and facilitate recognition of academic qualifications through the implementation of EQF in each Member State, to consolidate a system of quality assurance at both European and Member State level; asks Member States to implement their national quality assurance systems according to the European Standards and Guidelines on Quality Assurance, while respecting the diversity of courses and approaches among universities in terms of content and modes of learning; encourages QA agencies to apply to the European Quality Assurance Register and support their European cooperation and exchange of best practices also through the European Association for Quality Assurance in Higher Education (ENQA);
19. Draws attention to the different grading scales in the Member States and to the need for appropriate conversion of ECTS points into grades;
20. Urges all the Bologna countries to implement national qualification frameworks linked to the Qualifications Framework of the EHEA and to develop and financially support mutual recognition;
21. Calls for strong financial support for agreements on common core curricula, which guarantee well defined learning outcomes, inter alia by exploring the methodology approach developed by Tuning and through the experience of the 'Tuning Academy'; calls for particular attention to be paid to the specific nature of humanities curricula, as a stronghold for democracy and a vehicle for the achievement of European cohesion, in order to determine which specific knowledge and skills should be covered by degree courses so as to encourage learning in a form combining measurable general skills (reflected in the ability to use knowledge) and teaching and research as original critical analysis; maintains that, as well as knowledge of the basic material, every programme in every subject should provide cross-cutting key competences such as critical thinking, communication, and entrepreneurial skills;
22. Asks for further support for national and European measures to guarantee equitable inclusion, fair access to study, successful progression and a sustainable support system (e.g. housing, transport expenses, etc.) for all students, as well as targeted support in particular for those who belong to under-represented groups, socially disadvantaged backgrounds and those experiencing financial difficulties, in order to reduce the drop-out rate and ensure that education and training are independent of socio-economic factors which cause disadvantages and that teaching meets individual learning needs; recommends that the process of creating careers advisory centres offering free services to students be accelerated;
23. Highlights the importance of the 2007 London communiqué <sup>(1)</sup>, which made the social dimension of education one of the goals of the Bologna Process, the aim being to ensure equitable access to education regardless of background; regrets the fact that insufficient progress has been made towards achieving this goal, and encourages the Commission to facilitate such progress;
24. Calls on the Commission and Member States to encourage mutual recognition by eliminating the administrative obstacles to this;

<sup>(1)</sup> [http://www.ehea.info/Uploads/Declarations/London\\_Communique18May2007.pdf](http://www.ehea.info/Uploads/Declarations/London_Communique18May2007.pdf)

Tuesday 13 March 2012

25. Draws attention to the particular needs of the Bachelor's degree, its curricula, its access paths to Masters programmes, and its employability; stresses in this respect the need for specific actions, such as the development of theory/practice curricula, and for more effective cooperation between universities, Member States and economic and social actors in order to enhance the prospects for future graduates of finding a stable, well-paid job corresponding to their level of qualification; calls, therefore, on universities to develop their provision of apprenticeships and to improve the integration of traineeships in university courses;
26. Emphasises that measures to promote employability, such as lifelong learning, and the development of a broader range of skills suitable for the labour market must be top priorities in order to achieve sustainable growth and prosperity goals; in that connection, strongly supports exchanges of university teachers and students, the university-business dialogue, apprenticeships and the skills passport;
27. Considers that modernisation of the Professional Qualifications Directive (2005/36/EC) will assist professional mobility in Europe and facilitate student mobility by providing assurances that qualifications gained in another Member State will be recognised across the EU;
28. Asks the Member States and the EU institutions to support the transition from the "mono-disciplinary" methodological concept of science that still prevails in European universities towards the "inter-disciplinary" and "trans-disciplinary" concepts;
29. Calls on the Member States and the EU institutions to promote the university-business dialogue and cooperation as a common goal of the consolidated EHEA in order to increase the employability of European university graduates;
30. Points to the need for specific actions and for more effective cooperation between universities and the labour market with a view to developing more relevant curricula, bringing greater consistency to education, and enhancing employability by establishing similar criteria for admission to professions;
31. Stresses the importance of ensuring the availability of a sufficient number of traineeships for students, so as to further facilitate their joining the job market;
32. Calls on national governments and the Commission to develop a system of structured cooperation in order to deliver joint degrees, within clusters of disciplines, with recognition across the EU by improving the performance of, and financial support for, Erasmus Mundus and the future education and training programme and by promoting the creation of a European accreditation scheme of joint programmes;
33. Welcomes the Commission's proposal with reference to an Erasmus Masters Degree Mobility Scheme;
34. Regards academic PhD degrees, including those carried out in collaboration with enterprises, as a key link between higher education and research, and recalls their potential as a key component in the creation of knowledge-based innovation and economic growth; recognises the importance of carrying out PhD degrees in enterprises in terms of integrating individuals with higher degrees into the labour market; welcomes the Commission's commitment to developing a European Industrial PhD Scheme within the Marie Curie actions;
35. Believes that better cooperation between the EHEA and the European Research Area is a potential source for enhancing Europe's innovativeness and development;
36. Highlights the contribution of the 7th EU Framework Programme for Research, the Competitiveness and Innovation Framework Programme and the European Research Area to facilitating the mobility of EU researchers and unleashing the innovation and competitiveness potential of the EU;
37. Calls for an effective strategy to be set up to support lifelong learning programmes in Europe and for sustainable initiatives that are fully integrated into the institution and promote a lifelong learning culture; calls, likewise, for company-based lifelong learning to be encouraged so that workers have the opportunity to expand their training and skills; calls on higher education institutions and universities to offer more flexibility in programs based on learning outcomes, the recognition of non formal and informal learning, and services to support learning pathways by promoting partnerships among universities, enterprises, and higher vocational training establishments in order to enhance and fill the gap in scientific, humanistic and technical skills;



Tuesday 13 March 2012

38. Draws attention to the need to establish the status of pre-Bologna Process students in those countries in which they are disadvantaged in terms of enrolling in Master's programmes;

39. Notes that the European Credit Transfer and Accumulation System (ECTS) must be more transparent and offer more accurate comparisons between qualifications and diplomas; encourages the Commission and Member States to utilise an improved ECTS tool in order to facilitate mobility for students and professionals;

#### **European action**

40. Welcomes the Commission's proposal to increase significantly the funds devoted to European education and training programmes; calls on the Commission to devote a significant proportion of these funds to supporting the modernisation of higher education and the modernisation of university infrastructures in accordance with the objectives of the Bologna Process and the EU modernisation agenda; encourages the Commission to find solutions that enable access to these programmes also for students experiencing financial difficulties;

41. Calls on the Member States and the EU to determine whether courses of study could include a compulsory training period to be completed at a university in a Member State other than the student's home country;

42. Draws attention to the strong link between the Bologna Process and the Professional Qualifications Directive, and stresses the need for coordination by the Commission in a manner entirely consistent with the Bologna Process; argues that the link can be further strengthened by providing students with all the relevant practical information concerning the recognition of diplomas obtained abroad and the job opportunities which training abroad opens up;

43. Calls, as part of the revision of the Professional Qualifications Directive and in order to make progress towards a real European Higher Education Area, for a comparison of national minimum training requirements and for more regular exchanges between the Member States, competent authorities and professional bodies;

44. Proposes that the recognition of credits obtained under the Erasmus Programme by partner universities should be a compulsory element for all institutions participating in student exchanges supported by EU funding in order to strengthen the European Credit Transfer and Accumulation System;

45. Draws attention to the importance of consistent implementation of the ECTS system; calls on the Commission, Member States and higher education institutions to develop a comparative table that would indicate the number of ECTS credits awarded for courses, in order to enhance consistency and facilitate student and professional mobility; notes the barriers that students face when transferring credits between universities, and believes that these obstacles can discourage students from participating in academic exchanges;

46. Calls for development of an effective strategy for the full harmonisation of academic titles throughout the European Union with possible reverse recognition (including older academic titles) since the establishment of the Bologna Process;

47. Calls on the EU Member States to adopt a final and clear decision on the full mutual recognition of qualifications and diplomas or to establish a roadmap for when this decision will finally be possible;

48. Calls for cooperation among universities to be organised more systematically and strengthened so as to increase the impact on higher education institutions and systems for the benefit of students and staff;

49. Proposes that universities in the signatory states recognise practical traineeships completed as part of the mobility programmes supported by the European Commission;

Tuesday 13 March 2012

50. Calls for enhanced transparency of the information provided to students before the beginning of a given exchange regarding the number of credits to be awarded, and invites Member States and higher education institutions to cooperate when assessing the number of credits to be awarded for courses; encourages the development of common platforms in order to provide a core of knowledge and skills defined by professionals and higher education institutions, with the possible goal of achieving the approximation of some diplomas, while safeguarding allowing national specificities, taking the system of automatic recognition of professional qualifications in the EU <sup>(1)</sup> as an example;

51. Calls for improved networking, coordination and communication between EU universities in order to speed up the recognition of new diplomas, to facilitate the transfer of credits, to improve knowledge and understanding of different systems of education and training and enable students to better understand the diversity of European programmes;

52. Invites the European Commission, within the new education and training programme, to encourage cooperation, including through financial incentives, on transnational curricula, joint degrees and mutual recognition; advocates increasing the number of ERASMUS placement partnerships in practice;

53. Draws attention to the existence of numerous institutions dealing with European higher education and research; calls on the European Union to promote ways to co-ordinate them under the same umbrella;

54. Believes that initiatives should be put in place to help students transfer records from one university to another during their degrees;

55. Calls on the Member States and the EU to provide updated and comparable data – inter alia on the proportionate representation of vulnerable groups – on the basis of which to monitor the implementation of the EHEA and, to that end, to remove the obstacles and resolve the problems associated with the implementation of the process, and not to penalise those institutions which have not yet implemented the planned reforms; believes that these data should be published every year on a country-by-country and university-by-university basis, making it easier to understand where progress is required;

56. Encourages universities to harmonise their academic standards by forming partnerships for the exchange of good practices;

57. Calls on the Commission and the Member States to strengthen cooperation and research programmes, and to develop new ones, based on mutual interests with third-country universities, particularly those in conflict zones, in order to allow access to higher education and training for students from these countries, without any discrimination;

58. Considers the European Higher Education Area (EHEA) created by the Bologna Process to be progressive; calls therefore for a Euro-Mediterranean Higher Education Area to be incorporated into this existing structure and for progress towards the establishment of an effective Higher Education Area for the countries involved in Eastern Partnership cooperation as well as in other inter-state areas inside the EU; calls on the Commission to remove obstacles to the movement of students and teachers, to support the networking of Euro-Mediterranean universities, including EMUNI, and to continue the good practices of the Tempus and Erasmus Mundus programmes;

59. Points to the need to provide better information about the Bologna Process and the European Higher Education Area (EHEA) by means of a comprehensive, effective and European-wide communication policy aimed at making universities more attractive within and outside Europe;

60. Calls on the European Commission and the Member States to guarantee the transferability of loans and grants, in particular merit and needs-based scholarships, between all European countries, in order to ensure equal access to mobility opportunities;

61. Promotes the creation of unified university brands at regional level in order to strengthen university prestige at international level in accordance with the aims of the Bologna Process;

<sup>(1)</sup> Annex V, on recognition on the basis of coordination of the minimum requirements, to Directive 2005/36/EC on the recognition of professional qualifications.

Tuesday 13 March 2012

62. Calls on the EU institutions to set in place mechanisms to support Member States and higher education institutions in implementing Bologna goals, which could be done by regular reporting and by a targeted use of EU programmes, including those involving cooperation with the non-EU countries in the EHEA;

63. Asks the EU to support the implementation of its Bologna commitments in its policy cooperation with relevant non-EU countries; calls on the Commission and on the European Parliament to play a strong role in leading these efforts;

64. Trusts that the stocktaking exercise at next year's ministerial meeting in Bucharest will result in a clear roadmap for establishing a fully-functioning European Higher Education Area by the 2020 deadline; insists that cross-sectoral proposals concerning ICT training, vocational and lifelong learning and work placements must be put forward and that these should actively promote both inclusion and smart and sustainable growth, giving the EU a competitive edge in the post-crisis world in terms of job creation, human capital, research, innovation, entrepreneurship and the wider knowledge economy;

65. Calls on the Commission and EU education ministers to fully utilise the opportunities of their joint participation in the EHEA to take a leading role in achieving the Bologna goals, and on Ministers to underpin their commitments in the Bologna Process with joint commitments at EU level in the Council, supported by the Commission, so that this mutually supportive process continues with an harmonious implementation;

66. Points out that the 2012 Biannual Ministerial Meeting in Bucharest must take into account the fact that the creation of the EHEA enables the EU and the Member States to make a strong and unified contribution to the Bologna Process on the basis of their shared responsibilities on the issue of higher education, their joint participation in the process, and their shared commitment to action, supported by policy statements by the EU institutions;

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67. 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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## European Statistics

P7\_TA(2012)0073

### European Parliament resolution of 13 March 2012 on quality management for European statistics (2011/2289(INI))

(2013/C 251 E/05)

*The European Parliament,*

— having regard to the Commission communication entitled 'Towards robust quality management for European Statistics' (COM(2011)0211),

— 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 Regional Development (A7-0037/2012),

Tuesday 13 March 2012

- A. whereas Eurostat has existed since 1953 and the need for safeguarding its independence is widely recognised;
  - B. whereas reliable and accurate statistics are essential to allow effective economic and budgetary policy making by Member States and at Union level;
  - C. whereas the success of the Europe 2020 Strategy for Growth and Jobs and the economic governance package, including the European Semester, demands high-quality independent statistics;
  - D. whereas users of statistics should be supplied with relevant, timely and accurate data which are collected and compiled by national agencies in accordance with the principles of impartiality, objectivity and professional independence;
  - E. whereas statistics should be publicly accessible, easily understandable to both policy-makers and citizens and suitable for comparison on a year-to-year basis;
  - F. whereas the quality of European statistics is dependent on the integrity of the entire production process; whereas the ongoing modernisation of statistical production methods represents a vital public investment in streamlining the entire production chain, and requires continued commitment at EU and national level;
  - G. whereas the debt crisis in the eurozone has highlighted the dangers of statistical inaccuracy and statistical fraud arising from weaknesses in both the quality of upstream public-accounting data and the current statistical governance arrangement;
  - H. whereas statistical offices should not only be statutorily independent, but should also have mechanisms and 'firewalls' in place to ensure that statistical offices are separated from the political process and thus avoid systemic failures; at the same time, however, it is to be emphasised that the State is responsible for the correctness and authenticity of statistical data;
  - I. whereas the relation between Eurostat and the national courts of auditors should be strengthened;
  - J. whereas national statistical institutes should be reformed in the Member States to comply with the new European legislation as soon as possible;
  - K. whereas the approximately 350 statistical regulations applying to all Member States impose a proportionately higher statistical compliance burden on the smaller Member States;
  - L. whereas Eurostat will provide the economic indicators required for the surveillance of fiscal policies and for the scoreboard on macro-economic imbalances, together with new enforcement mechanisms; whereas recent legal reforms, most notably the economic governance 'six pack', have placed robust and reliable statistics at the core of economic governance at EU level;
1. Takes the view that a systemic approach to quality needs to be taken, which may require a reform of the method of producing European statistics and a gradual transition from a corrective approach to a preventive approach to the quality management of European statistics in general and public finance statistics in particular; welcomes the binding nature of the rules regarding production, and verification of the accuracy, of European statistics; considers that having independent statistical bodies is essential to maintaining the credibility of statistical data;
  2. Calls on the Commission to provide assistance and expertise to Member States to help them tackle research constraints and major methodological obstacles, with a view to ensuring compliance and provision of high-quality data;

Tuesday 13 March 2012

3. Supports the Commission's intention of proposing amendments to Regulation (EC) No 223/2009 (Statistical Regulation) in order to establish a proactive approach to monitoring and assessing public finance data at an early upstream stage in order to allow for corrective action at the earliest possible point; seconds the proposal to establish a legal framework aimed at reinforcing the governance framework, especially as regards the professional independence of national statistical authorities and Eurostat, and requiring all Member States to formally adopt a commitment to take all necessary measures at national level to maintain confidence in statistics and to allow for more rigorous enforcement of the European Statistics Code of Practice;
4. Urges the Commission to propose to the European Parliament and the Council proposals for legislation aimed at introducing elements of the revised European Statistics Code of Practice into EU law, with a view to distinguishing clearly between the responsibilities and competences of national statistical agencies and those of Member State governments and ensure more transparent and coordinated accountability for data quality;
5. Urges Eurostat to pursue, in liaison with key data providers and data users, its efforts to modernise the European statistics production methods in order to maintain cost-effectiveness;
6. Calls on Eurostat to ensure that public accounting systems are established in all Member States in a standardised manner and that they are strengthened with both internal and external audit mechanisms, including the application of the recently revised legal framework of Regulation (EC) No 479/2009, as well as further legislative proposals as deemed appropriate; welcomes the European Commission's intention to give Eurostat greater investigative powers;
7. Emphasises that all Member States should make sure that statistics are accurate across all levels of government; encourages Eurostat to disclose publicly whether it has doubts concerning such accuracy across all types of statistics;
8. Considers that the recently adopted economic governance package requires standards regarding granular data on public-sector exposures related to guarantees and contingent liabilities, for example through public-sector guarantees and exposures to public-private partnerships (PPPs); these should be developed promptly and disclosed by Eurostat, taking all levels of government into account;
9. Welcomes the action of the European Statistical Governance Advisory Board (ESGAB) in delivering independent supervision of Eurostat and the European Statistical System; calls on Eurostat and other statistical offices to implement the recommendations the ESGAB put forward in its 2011 annual report;
10. Emphasises the need for Eurostat to ensure transparency with regards to its own staff by publishing information regarding its officials (who are civil servants) and contract agents, and to provide information about the way in which national experts are deployed;
11. Emphasises that the independence of the statistical services must be safeguarded at both national and European level from the threat of possible political interventions;
12. Notes that the quality management system will require close coordination between Eurostat and national bodies responsible for verifying upstream public finance data; calls on the Commission to present proposals ensuring greater independence and greater coherence in the competences of the national courts of auditors in verifying the quality of the sources used to establish national debt and deficit figures and strengthening the coordinating role of the European Court of Auditors;
13. Underlines the fact that quality management of government financial statistics and other national statistical data, as well as precision and timely reporting of the data, is a prerequisite for the European Semester to function properly;

**Tuesday 13 March 2012**

14. Recognises that providing accurate statistics can in many cases involve collecting and collating data from numerous sources; notes, therefore, that shortening timetables for publication of statistics may, in some cases, reduce the reliability or accuracy of statistics or increase the cost of data collection; recommends that, when considering best practice in this area, the balance between timeliness, reliability and cost of preparation be carefully considered;

15. Urges Eurostat to look at ways to make its publications, particularly those online, more user-friendly to the average citizen and non-professionals especially with regard to the use of graphs; believes that Eurostat's website should allow easier access to complete long-term data series and include intuitive comparative graphs in order to give more added value to citizens; adds, furthermore, that its periodic updates should provide, where possible, information on each Member State and offer year-on-year and month-on-month series and, where possible and useful, long-term data series;

16. Emphasises that the provision of accurate, relevant, high-quality statistics is of key importance to sustainable and balanced regional development; notes that precise, accurate data constitute a basis for obtaining detailed information on individual areas such as demographics, the economy and the environment, and that they therefore play a key role in the regional development decision-making process, in particular in the context of Europe 2020 Strategy implementation;

17. Calls on the Commission to continue to address the need for reliable statistical information that enables European policies to better respond to economic, social and territorial realities at regional level;

18. Supports Eurostat's intention of establishing a legal framework for 'Commitments on Confidence in Statistics'; stresses that compliance with the data confidentiality rule within the ESS (European Statistical System), as well as with the principle of subsidiarity, will help to increase trust in statistical agencies;

19. Notes that it is essential to improve the way that public accounting systems work; asks the Commission, nevertheless, to clarify whether standardising the public accounting systems in all the Member States is necessary and possible; calls on the Commission to draw up a common methodology and implement effective, suitable, proven solutions;

20. Stresses the need to develop a coherent system for research into socio-economic processes in cross-border areas, including those in the regions located on the external borders of the European Union, together with statistics for macro-regions, in order to obtain a reliable, complete and accurate picture of the economy in terms of regional and macro-regional development, covering both the urban dimension and rural areas; believes that the research mechanisms connected with the balance of payments should be improved; notes, furthermore, that regional and national accounts should be closely monitored as part of a robust system of quality management for European statistics;

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

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Wednesday 14 March 2012

## General guidelines for the 2013 budget: Section III - Commission

P7\_TA(2012)0077

### European Parliament resolution of 14 March 2012 on general guidelines for the preparation of 2013 Budget - Section III - Commission (2012/2000(BUD))

(2013/C 251 E/06)

*The European Parliament,*

- having regard to Articles 313 and 314 of the Treaty on the Functioning of the European Union,
- 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 <sup>(1)</sup> (IIA),
- having regard to the Commission's updated financial programming for 2007-2013, submitted in accordance with Point 46 of the aforementioned IIA of 17 May 2006,
- having regard to the European Union's general budget for the 2012 financial year <sup>(2)</sup>,
- having regard to the Council conclusions of 21 February 2012 on the budget guidelines for 2013,
- having regard to the report of the Committee on Budgets (A7-0040/2012),

#### ***The role of the EU budget in addressing the economic and financial crisis***

1. Acknowledges the fiscal consolidation efforts undertaken by most Member States because of the financial and budgetary crisis; underlines, however, the fact that the EU will never be able to respond properly to the current economic and social crisis or prevent future crises without further political integration, common instruments, such as automatic sanctions, and the Commission having the right to take legal action in a deficit procedure, but also common EU-funded programmes and the resources to make them work; insists, that economic recovery requires measures to strengthen solidarity and boost sustainable growth and employment; welcomes the fact that the European Council recognised this in its statement of 30 January 2012 and in its Conclusions following the Summit of 1-2 March 2012, but insists on the need for concrete measures to be taken, notably by making use of the EU budget as a common instrument; underlines the fact that the priorities singled out in the above-mentioned statements are those defended by Parliament in previous budgetary procedures;

2. Continues to be concerned at the unprecedented global crisis that has seriously damaged economic growth and financial stability and provoked a strong deterioration in the government deficit and debt position of the Member States; understands the Council's concern regarding economic and budgetary constraints at national level and insists that 2013 will be a key year for economic recovery;

3. Recalls that the European Union's budget is one of the most important instruments where solidarity between Member States and between generations is being demonstrated, and that it provides a clear added value, given its extraordinary impact on the real economy and daily lives of European citizens; recalls that if the Union's policies were to be financed solely by Member States, their costs would skyrocket and that, seen in this light and if used in a synergetic manner, the European budget intrinsically represents a clear common saving for the wellbeing of all; takes the view that austerity measures undertaken at national level should not lead to an equivalent decrease at EU level, since one euro spent at this level can generate savings in the 27 Member States;

<sup>(1)</sup> OJ C 139, 14.6.2006, p.1.

<sup>(2)</sup> OJ L 56, 29.2.2012

Wednesday 14 March 2012

4. Stresses that, in times of crisis more than ever, the collective efforts made at EU level must be strengthened in order to ensure that our actions deliver results; underlines the fact that the annual European Union budget with its leverage effect, the priorities in national budgets and all other European instruments must support Member States' recovery policies and need to be aligned with the Europe 2020 Strategy for Growth and Jobs, and that this is essential for the Strategy's success and in order to maintain confidence in EU policies, especially amongst its citizens; stresses that, given its role as a catalyst for investment, lowering the level of the EU budget would have an adverse impact on the creation of growth and jobs in the Union;

5. Takes the view that the promotion of growth and jobs requires specific actions and enhanced budgetary efforts to support a sustainable and long-term industrial policy, competitiveness, innovation and small and medium-sized enterprises (SMEs), since most of the EU's economic potential lies in SMEs, which, according to latest studies, created 85% of net new jobs in the EU between 2002 and 2010 and are the backbone of our economic growth; therefore the promotion of entrepreneurial mindsets and business start-ups through concrete actions is of utmost importance and adequate resources should be provided for that purpose; acknowledges, therefore, that efforts need to be made to further strengthen EU funding in support of growth efforts;

6. Stresses that such support would be instrumental in preventing SMEs from cutting back their investments, in particular in research and development, while at the same time promoting employment and professional training, especially for younger citizens and ensuring that skills are conserved; considers that strengthening EIB support for SMEs and infrastructure should be considered a key priority thus helping to unleash SMEs' innovation potential, which is essential to the EU's prosperity and to the creation of a knowledge-based society; stresses in this context the need to further simplify the application procedure for EU-funded programmes;

7. Believes that increased investments through the EU budget in a sustainable economy could lead to a higher rate of job creation than with the current budget; such investments could thus contribute significantly to getting the EU back on a growth track;

8. Underlines the fact that the results of the Europe 2020 Strategy depend to a large extent on today's youth, which is the highest-educated, most technically advanced and most mobile ever, and therefore is and will be the biggest asset for growth and jobs in the EU; is concerned about the high level of youth unemployment in Member States; this being the case, stresses that every effort must be made at EU and national level to ensure that growth and jobs are a reality, especially for young people, who represent the EU's common future; equally highlights the need to address urgently the challenges of unemployment and the growing level of poverty in the European Union in the spirit of the flagship initiative "European Platform against poverty and social exclusion";

9. Takes note of the Commission's proposal to redirect EUR 82 billion of the money still to be programmed under all EU structural funds (the European Regional Development Fund and the European Social Fund) into helping SMEs and combating youth unemployment; asks to be kept duly informed about this initiative, its implementation and its eventual impact for the 2013 budget;

#### ***A well-coordinated and responsible budget for 2013***

10. Underlines the fact that all the measures taken so far to combat the crisis should help to return to the path of growth; stresses, in this regard, that the tailor-made austerity measures already taken need to be accompanied by targeted investments resulting in sustainable economic development; points out that the EU budget has a decisive role to play in this context as a tool to ensure prompt and well-coordinated action in all fields in order to mitigate the effects of the crisis on the real economy and to act as a catalyst to boost investment, growth and jobs in Europe;



Wednesday 14 March 2012

11. Stresses that well-coordinated, coherent and timely implementation of political commitments and priorities shared at national and EU level requires national and European institutions to work together to prioritise public spending on growth areas, assess ex ante the effects of planned actions, increase synergies between them and ensure that they have a positive impact by removing obstacles and tapping into under-utilised potential; in this regard, underlines the importance of continuing to organise, before the Spring Summit, the presentation by the Commission of its draft budget, and the start of the national budgetary procedures in Member States, interparliamentary debates on the common economic and budgetary orientations of the Member States and the Union in order to ensure that there is coordination between the national and EU budgets in the general framework of Parliament's upgraded activities in the European Semester in order to enhance its democratic legitimacy as demanded in the resolution of 1 December 2011 on the European Semester for Economic Policy Coordination;

12. Calls for the adoption of a responsible and result-oriented budget, based on good-quality spending and optimal and timely use of existing EU financing; in the spirit of the statement of 30 January 2012 by the Members of the European Council; emphasises the need to invest in growth and jobs, especially in terms of SMEs and young people; underlines its intention of engaging, together with the specialised parliamentary committees, not only in the identification of concrete areas where actions need to be strengthened, but also in identifying possible negative priorities;

13. Stresses that the EU budget represents an investment solely directed towards policies and actions demonstrating EU added value; draws attention to the fact that the EU budget – which cannot run into deficit – has a leverage effect on growth and employment much higher than that of national spending, as does its capacity to gear up investment, deliver stability in Europe and help the EU out of the current economic and financial crisis; underlines, however, the need to leverage more investments in order not to endanger key projects for economic recovery and competitiveness; highlights, in this context, the fact that developing new and improved financial instruments could further enhance the leverage effect of EU spending's contribution to growth, by attracting private investment, thus compensating for constraints at national level and optimising public spending;

14. Recalls that between 2000 and 2011, national budgets in the EU increased on average by 62% while EU budget payments increased by slightly less than 42%, whereas the EU grew from 15 to 27 Member States;

15. Will pay specific attention, in the context of the 2013 budgetary procedure, to the implementation of the EP's previous years' budgetary priorities and will, in particular, follow closely the funding and implementation of the Europe 2020 Strategy, which is fully endorsed by Member States, in terms of promoting competitiveness and employment, as well as of its other sectoral priorities;

16. Welcomes the fact that the in the latest version of the financial programming for 2012-13 the Commission respected the EP's 2012 budgetary priorities, as it did in 2011, by not offsetting past increases; asks for the 2013 draft budget to follow the same line;

17. Recalls that the ceilings for several headings, in particular Heading 1a (competitiveness for growth and jobs) and Heading 4 (the EU as a global actor) within the current financial framework are insufficient to meet the policies approved as priorities by Parliament, the Council and the Commission; recalls, moreover, that the appropriations allocated for some policies have had to be revised several times in order to meet new goals and tasks, making the use of the Flexibility Instrument necessary in almost every annual budget; stresses that it will not accept longstanding EU political commitments being jeopardised; recalls, in particular, that financial commitments entered into in international agreements and/or agreements between the EU and international organisations should be respected and duly included in the draft budget;

Wednesday 14 March 2012

***A 2013 budget oriented towards fulfilling the Union's programmes and priorities***

18. Recalls that the Multiannual Financial Framework (MFF) 2007-2013 was designed to improve the prosperity and quality of life of our citizens and to exploit all the potential of enlargement, yet since 2008 the EU has experienced an unprecedented crisis, which has also impacted on each of the annual budgets; underlines, against this background, the fact that the 2007-2013 financial framework was not revised to accommodate additional financing needs stemming from the current crisis but that, on the contrary, substantial global margins have been left under the overall ceilings in every annual budget since 2007 and that, to that extent, all the annual budgets have been contained and austere; stresses that the corresponding payments should therefore at least be disbursed according to the normal budget cycle; recalls that payments are dissociated from commitment appropriations only because of the time lag, in the case of multiannual programmes, before the actual disbursement of the funds;

19. Stresses that, 2013 being the last year of the current programming period, catching up will be necessary in terms of payments, as has always been the case at the end of financial perspectives, owing to the start of the completion process for the 2007-2013 programmes, and, in terms of commitments, in order to respect the financial programming amounts, which are close to EUR 152 billion for 2013; reiterates that any artificial cut made to the level of payments will delay meeting both contractual obligations and past EU commitments, and could also result in late interest being due and loss of confidence in European policies and the EU institutions' credibility; underlines, therefore, that contractual debts should be paid as soon as possible as a matter of budgetary discipline;

20. Notes that the level of payments, which, being the mere result of past commitments, should be determined on the basis of technical criteria such as implementation figures, absorption forecasts or the level of outstanding commitments (RAL), has become the main political issue within the Council in the past few budgetary procedures; points to the growing level of RAL at the end of 2011, amounting to EUR 207 billion, which represents almost 7% more than the level at the end of 2010; in view of the upcoming interinstitutional meeting on the difference between commitment and payment appropriations will establish a dialogue with the Commission in order to fully clarify how the RAL is composed; insists that the Council refrain from deciding a priori the level of payments without taking account of actual needs and legal obligations; notes further that accruing RAL actually undermines a transparent EU budget in which it is clearly visible how commitments and payments are related in a specific budgetary year;

21. Underlines the fact that a pure 'net EU budget contributor/net EU budget beneficiary' approach does not take due account of the great positive spill-over effects the EU budget produces between EU countries to the benefit of common EU policy goals; is deeply concerned at the very moderate increases in payments in the last two budgets, which in the case of the 2012 budget were even below the level of inflation, at a crucial time when all the investment programmes should be running at full speed and unfolding their full potential;

22. Stresses that under-budgeting should be avoided as a matter of sound financial management, and that appropriations need to be aligned to realistic estimates of absorption capacity; points out that artificially lowering the level of appropriations as against the Commission's realistic estimates may, conversely, prevent the final level of budgetary implementation from reaching its full potential; recalls that the level of payment appropriations proposed by the Commission in its draft budget is determined mainly by the Member States' own forecasts and their implementation capacity, since Member States co-manage, together with the Commission, more than 80% of EU funding;

23. Regrets the fact that, while the Council refused in December 2011 to finance identified additional needs, some payment claims amounting to more than EUR 10 billion could not be honoured in late 2011, which is now impacting directly on available 2012 payments; is concerned at the fact that this resulted from the Council's questioning of the Commission's implementation data and assessments of need without providing any alternative data or source;

Wednesday 14 March 2012

24. Is therefore extremely worried about the payments situation in 2012 and calls for the Commission to put forward proposals so that a solution can be found as early as possible this year, in order to avoid postponing the problem once again, to 2013; takes the view, moreover, that such use of the upcoming year's appropriations to fund current needs is bad financial management and infringes the principle of budget annuality; expresses serious concerns that this practice undermines the zero-debt principle of the Union;

25. Reiterates its call for the Council to refrain from making artificial cuts in payments during the budgetary procedure, and stresses that this seems to be leading to an unsustainable level of payments; requests, in the event of such proposals being made, that the Council clearly and publicly identify and justify which of the EU's programmes or projects it believes could be delayed or dropped altogether;

26. In this context, asks the Council to align its position to one of realistic and responsible budgeting, and undertakes to continue to monitor constantly the implementation of the 2012 appropriations and, in particular, payments; calls on the Council to follow suit, so that the budgetary authority can work on the basis of common, updated implementation data and make reliable estimates of expenditure; to this end, invites the Council and the Commission to an interinstitutional meeting to be held during the first semester of 2012 at an appropriate political level with a view to clarifying and settling any possible misunderstanding as to implementation figures and estimated payment needs and to jointly taking stock of the payments situation for the budget years 2012 and 2013;

27. Highlights the importance of funding the European Supervisory Authorities (EBA, EIOPA and ESMA) to enable comprehensive delivery of the financial regulation agenda and supervisory structures to prevent future crises; stresses that funding for ESAs and independent legal services for them should be prioritised within the budget;

28. Welcomes the agreement reached on financing the additional costs of ITER in December 2011; urges the Commission to respect the joint conclusions in this agreement in their entirety and to make concrete proposals on the amount of EUR 360 million in the 2013 draft budget, making full use of the provisions laid down in the Financial Regulation and in the IIA of 17 May 2006 and excluding any further ITER-related revision of the MFF; reiterates its strong conviction that securing the amount of EUR 360 million in the 2013 budget should not impair the successful implementation of other EU policies, especially those that contribute to achieving the goals of the EU 2020 strategy during this last year of the programming period, and specifically opposes any redeployments infringing upon this budgetary priority; stresses that in its financial programming the Commission foresees a margin of EUR 47 million in Heading 1a, which partially covers the needs for ITER;

29. Expects, in view of the upcoming accession of Croatia on 1 July 2013, that the revision of the MFF will be adopted swiftly, in line with Point 29 of the IIA ('Adjustment of the financial framework to cater for enlargement') and asks the Commission to present its proposal for the corresponding additional appropriations as soon as the Act of Accession has been ratified by all Member States; reiterates that the enlargement to include Croatia should be accompanied by appropriate additional funding with fresh money rather than redeployments for the second part of 2013;

#### ***Administrative expenditure***

30. Takes note of the letter dated 23 January 2012 from the Commissioner for Budgets and Financial Programming expressing the Commission's willingness to reduce the number of posts in its establishment plans by 1% as early as 2013, taking carefully into account the different effects for large, medium-sized and small directorates-general; intends to closely examine the Commission's intention of reducing by 2018 the staffing level in EU institutions and bodies by 5% compared to 2013, and recalls that this is to be seen as an overall goal; recalls that any change to the establishment plan has a direct impact on the budget and should in no way compromise the budgetary prerogatives of the Committee on Budgets and of the European Parliament; considers that any short-term or long-term reduction in staff should be based on a prior impact assessment and take full account of, inter alia, the Union's legal obligations and the institutions' new competences and increased tasks arising from the treaties;

Wednesday 14 March 2012

31. Recalls the importance of close and constructive interinstitutional cooperation throughout the procedure and reaffirms its willingness to contribute fully to such cooperation in full accordance with the provisions of the TFEU; expects the present guidelines to be taken fully into account during the budgetary procedure and in the preparation of the draft budget;

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32. Instructs its President to forward this resolution to the Council, the Commission and the Court of Auditors.

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## Judicial training

P7\_TA(2012)0079

### European Parliament resolution of 14 March 2012 on judicial training (2012/2575(RSP))

(2013/C 251 E/07)

*The European Parliament,*

- having regard to Articles 81 and 82 of the Treaty on the Functioning of the European Union, which provide for the adoption under the ordinary legislative procedure of measures aimed at ensuring ‘support for the training of the judiciary and judicial staff’,
- having regard to its resolution of 10 September 1991 on the establishment of a European Law Academy <sup>(1)</sup>, its position of 24 September 2002 on the adoption of a Council decision setting up a European judicial training network <sup>(2)</sup>, its resolution of 9 July 2008 on the role of the national judge in the European judicial system <sup>(3)</sup>, and its recommendation of 7 May 2009 to the Council on development of an EU criminal justice area <sup>(4)</sup>,
- having regard to the Commission communication on an Action Plan Implementing the Stockholm Programme’ (COM(2010)0171),
- having regard to its resolution of 25 November 2009 on the Stockholm Programme <sup>(5)</sup>,
- having regard to its resolution of 17 June 2010 on judicial training <sup>(6)</sup>,
- having regard to the Commission communication of 13 September 2011 entitled ‘Building trust in EU-wide justice – a new dimension to European judicial training’ (COM(2011)0551),
- having regard to the pilot project on judicial training proposed by Parliament in 2011,

<sup>(1)</sup> OJ C 267, 14.10.1991, p. 33.

<sup>(2)</sup> OJ C 273 E, 14.11.2003, p. 99.

<sup>(3)</sup> OJ C 294 E, 3.12.2009, p. 27.

<sup>(4)</sup> OJ C 212 E, 5.8.2010, p. 116.

<sup>(5)</sup> OJ C 285 E, 21.10.2010, p. 12.

<sup>(6)</sup> OJ C 236 E, 12.8.2011, p. 130.

Wednesday 14 March 2012

- having regard to the comparative study on judicial training in the Member States commissioned by Parliament from ERA in collaboration with the EJTN <sup>(1)</sup>,
  - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas the above-mentioned study took stock of the activities carried out in this field by national schools for the judiciary, including the type of training offered, relevant conditions, and budgetary resources, with a view also to identifying needs and suggestions for improvement and best practices, and contains the results of an in-depth survey of over 6 000 judges and prosecutors in the Member States focusing on their experience of EU law training and their suggestions for improvement;
  - B. whereas judicial training should properly be called ‘judicial studies’ to reflect the special nature of the continuing intellectual development that members of the judiciary have to undergo and the fact that the best people to provide judicial studies are judges themselves;
  - C. whereas the supply of training is currently far from meeting the Commission’s target, namely that it should be available to half of EU legal professionals;
  - D. whereas according to the study language barriers, a lack of (timely) information on existing programmes, the fact that programmes are not always adapted to judges’ needs, together with judges’ heavy workloads and the lack of relevant funding are among the reasons for the relatively low level of respondents receiving training in EU law (53 %, and only one third of them within the last 3 years);
  - E. whereas it is wise, including from the budgetary point of view in the present situation of financial stringency, to take advantage of existing institutions, particularly national judicial training schools, but also universities and professional bodies, as far as the ‘national law’ aspects of building a European judicial culture are concerned; whereas, by this means, best practices can be identified in the Member States and fostered and disseminated across the EU; whereas as far as training in EU law is concerned, the Academy of European Law (ERA) should continue to play its role;
  - F. whereas, as Parliament has already pointed out, the European judicial area must be built on a shared judicial culture among practitioners, the judiciary and prosecutors which is not only based on EU law but developed through mutual knowledge and understanding of the national judicial systems, a root-and-branch revamping of university curricula, exchanges, study visits and common training with the active support of the Academy of European Law, the European Judicial Training Network and the European Law Institute;
  - G. whereas judicial training should be linked to a debate on the traditional role of the judiciary and its modernisation, how to open it up and broaden its horizons; whereas this also entails language training and promoting the study of comparative law and international law;
  - H. whereas a common judicial culture also needs to be created among members of the judiciary using the Charter of Fundamental Rights, the work of the Council of Europe’s Venice Commission and so on to promote the core values of the judicial profession by discussing and promulgating common professional ethics, the rule of law and the principles for the appointment and selection of judges, and to avoid the politicisation of the judiciary, thereby promoting the mutual trust necessary to make the common judicial area a reality;
  - I. whereas it is necessary to create networks between judges of different cultures and improve coordination of the existing networks in order to create ‘circles of coherence’; whereas, for this, electronic communication is not enough, and there must be fora in which judges can make contact and it is essential to involve judges from the Luxembourg and Strasbourg Courts;
  - J. whereas judicial studies cannot be limited to substantive and procedural law, and whereas judges need training related to their judicial business and in ‘judgecraft’;

<sup>(1)</sup> <http://www.europarl.europa.eu/delegations/en/studiesdownload.html?languageDocument=EN&file=60091>

Wednesday 14 March 2012

1. Believes, while acknowledging that direct contacts are the best option, that in view of the budgetary constraints, as well as the responses given by judges in the study, such training and advice could also be provided via the Internet (video-conferencing, on-line courses, webstreaming) as well as by means of exchanges; notes that judges call for further assessment and adaptation of training programmes to their needs, while they seem to prefer interactive training where they can exchange experiences and discuss case studies rather than 'classic' (top-down) training formulae;
  2. Considers that a further aim would be to coordinate the training provided by existing judicial training schools and facilitate and promote dialogue and professional contacts;
  3. Notes that multilingual training is important, as the study shows that only a relatively small number of judges speak a foreign language well enough to be able to participate actively in judicial training in other Member States;
  4. Takes the view that one way of resolving the problems (costs, language training, cost-effectiveness) is to utilise modern technology and finance the creation of applications ('apps') on the lines of Apple's iTunes U; such 'apps', prepared by the national schools, ERA, universities and other trainers, would consist of training courses, with video material, including language training (with particular emphasis on legal terminology) and instruction about national legal systems, particular legal procedures, etc. and would be free of charge to members of the judiciary;
  5. Considers that successful participation in such courses could constitute the gateway to Erasmus for judges and to participation in training courses abroad;
  6. Suggests that such 'apps' could be also be made available to legal practitioners, professional bodies, academics and law students for a modest charge and that their development and production would provide a modest boost to the economy and employment for a relatively small outgoing;
  7. Considers that the pilot project, presented by Luigi Berlinguer and Erminia Mazzoni and scheduled to be run in 2012, should aim first of all to identify and expand best practices in organising access to EU law and relevant training within the national judicial systems and training schools; considers, for instance, that the EU should encourage Member States to emulate successful institutions, such as EU law coordinators of the kind that exist in Italy and the Netherlands within the national court structure, and promote the training of such coordinators and otherwise facilitate their work at EU level;
  8. Takes the view that the pilot project should encompass the creation of a working group comprising national and European judicial training providers as well as extra-judicial actors, whose aim would be to identify a series of thematic 'clusters' of EU law issues, which seem to be the most relevant for everyday judicial practice, both on 'practical' matters (how to submit a request for preliminary ruling, how to access EU law databases, etc.), and on matters of substance;
  9. Suggests that the pilot project could coordinate (a) the exchange of advice and knowledge about individual legal systems among the individual judicial training schools, building upon the existing networks and resources and (b) formal training and familiarisation with foreign legal systems;
  10. Proposes, lastly, that the Commission hold an annual forum at which judges of all levels of seniority in areas of law where domestic and cross-border issues frequently arise can hold discussions on a recent area or areas of legal controversy or difficulty, in order to encourage discussion, build contacts, create channels of communication and build mutual confidence and understanding; considers that such a forum could also afford an opportunity for the competent authorities, training providers and experts, including the universities and the professional bodies, to discuss judicial training policy and the future of legal education in Europe;
  11. Instructs its President to forward this resolution to the Commission.
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Wednesday 14 March 2012

## Child labour in cocoa sector

P7\_TA(2012)0080

### European Parliament resolution of 14 March 2012 on child labour in cocoa sector (2011/2957(RSP))

(2013/C 251 E/08)

The European Parliament,

- having regard to Articles 3, 6 and 21 of the Treaty on European Union,
  - having regard to Articles 206 and 207 of the Treaty on the Functioning of the European Union,
  - having regard to International Labour Organisation (ILO) Convention No 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, ILO Convention No 138 concerning Minimum Age for Admission to Employment and the United Nations (UN) Convention on the Rights of the Child,
  - having regard to the conclusion of the 2010 International Cocoa Agreement, in particular Articles 42 and 43 thereof,
  - recalling its previous resolutions on child trafficking and on the exploitation of children in developing countries,
  - recalling its resolutions of 25 November 2010 on human rights and social and environmental standards in international trade agreements <sup>(1)</sup> and on corporate social responsibility in international trade agreements <sup>(2)</sup>,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the ILO estimates that more than 215 million children worldwide are child labourers engaged in activities that should be abolished; whereas 152 million of these children are under the age of 15 and 115 million of them engage in dangerous activities;
- B. whereas, for the purpose of this resolution, child labour means child labour as defined by the ILO in Convention No 138 concerning Minimum Age for Admission to Employment and Convention No 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, respectively;
- C. whereas Parliament has to give its consent to the conclusion of the 2010 International Cocoa Agreement; whereas stakeholders have raised strong concerns about child labour in the growing and harvesting of cocoa beans;
- D. whereas 70 % of world cocoa production is cultivated in West Africa and about 7,5 million people work in cocoa production in that region, almost exclusively on family smallholdings, with between 1,5 and 2 million family-run farms spread across West Africa; whereas cocoa farming is very labour-intensive during the five months harvest season and producers face strong pressures from national and international market players to keep labour costs down; whereas at peak times all family members, including children, are involved; whereas child labour poses unacceptable risks;
- E. whereas, according to the ILO, not all work done by children should be classified as child labour to be targeted for elimination, and a clear distinction between the two forms must be established; whereas children's or adolescents' participation in work that does not affect their health and personal development or interfere with their schooling is generally regarded as being something positive, unless the tasks are hazardous or keep the children from attending school;

<sup>(1)</sup> Texts adopted, P7\_TA(2010)0434.

<sup>(2)</sup> Texts adopted, P7\_TA(2010)0446.

**Wednesday 14 March 2012**

- F. whereas studies carried out in Ghana and Côte d'Ivoire suggest that children working on cocoa farms are exposed to different types of danger; whereas, in addition, some children may have been trafficked from other regions of the country or from neighbouring countries; whereas further research needs to be done on the incidence of child labour and child trafficking in the region, as no verified data exist;
- G. whereas the use of the worst forms of child labour in the growing and harvesting of cocoa beans is unacceptable;
- H. whereas in recent years programmes and initiatives to combat the worst forms of child labour on West African cocoa farms had made significant progress, although much remained to be done on account of the vast scale of this sector; whereas renewed conflict situations in the region, in particular in Côte d'Ivoire, have again worsened the situation of children;
- I. whereas poverty, a lack of alternatives for income generation, the scarcity or total lack of out-of-school opportunities for young people, rigid community structures and prevailing attitudes, the lack of adequate legal protection for children's rights and the failure to put in place mandatory public education for all children regardless of their sex, not to mention corruption and poor governance, are socio-economic and political factors that may contribute to the recurrent abuse of children in some parts of the world;
- J. recalling the primary responsibility of the governments of all countries concerned to implement fully the UN Convention on the Rights of the Child, ILO Convention No 138 concerning Minimum Age for Admission to Employment and ILO Convention No 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, respectively;
- K. recalling the EU strategy for Corporate Social Responsibility (2011-2014), the UN Global Compact, in particular Principle 5 thereof on the abolition of child labour, and the Harkin- Engel Protocol, which provide a useful framework for corporate social responsibility in the cocoa sector;
1. Urges those states which have yet to ratify the UN Convention on the Rights of the Child or ILO Conventions Nos 138 or 182 to ratify and implement these conventions swiftly; takes the view, moreover, that states should implement all appropriate policies to foster awareness of child abuse in the labour market and of the need to comply with existing national and international rules;
  2. Strongly condemns the use of child labour on cocoa fields;
  3. Calls on all stakeholders involved in growing and processing cocoa beans and their derivative products – namely governments, global industry, cocoa producers, organised labour, non-governmental organisations and consumers – to live up to their respective responsibilities in terms of combating all forms of forced child labour and trafficking, to share expertise and to collaborate towards a sustainable cocoa supply chain free from child labour;
  4. Takes the view that only a holistic and coordinated framework that addresses the root causes of child labour and is implemented on a long-term basis by governments, industry, traders, producers and civil society can deliver significant changes;
  5. Calls on the Commission to ensure policy coherence in all its initiatives, namely those related to trade, development (in particular as regards children's access to education), human rights, public procurement and corporate social responsibility, and to encourage the exchange of best practices between different economic sectors in which child labour occurs;
  6. Urges the Commission to ensure that all trade agreements include effective provisions on poverty reduction and the promotion of decent work and safe working conditions, along with legally binding clauses on internationally agreed human rights, social and environmental standards and the enforcement of those standards, accompanied by measures to be applied in the event of infringements;



Wednesday 14 March 2012

7. Recalls that the EU's Generalised System of Preferences (GSP), its main trade policy instrument for promoting core labour standards, is under review and that trade preferences granted to beneficiary countries under that system can be withdrawn in specified circumstances, namely in the event of serious and systematic violation of the principles laid down in a number of core ILO conventions, including Conventions Nos 138 and 182;
8. Recalls that on 15 December 2011 Parliament decided to withhold its consent to a Textile Protocol to the Partnership and Cooperation Agreement between the EU and Uzbekistan on account of concerns relating to the use of forced child labour on cotton fields in Uzbekistan, and recommended that the EU investigate the possibility of temporarily withdrawing Uzbekistan's GSP benefits if ILO monitoring bodies conclude that it has seriously and systematically breached its obligations <sup>(1)</sup>;
9. Welcomes all multi-stakeholder initiatives involving governments, industry, producers and civil society that aim at eradicating child labour, improving the lives of children and adults on cocoa farms and ensuring that cocoa is grown responsibly, such as the recent regional initiative by the OECD, the Secretariat of the Sahel and West Africa Club and the International Cocoa Initiative to promote best practice in combating the worst forms of child labour on West African cocoa farms; points out that these initiatives require appropriate follow-up in order to ensure genuine progress; encourages governments to increase their support to fair-trade networks in the cocoa sector and to rural cooperatives, and to enable them to send their product directly to the national and international markets, thus avoiding middlemen and obtaining fair prices; calls on the Commission to support such measures;
10. Supports the objectives of the Protocol for the Growing and Processing of Cocoa Beans and their Derivative Products in a Manner that Complies with ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (known as the 'Harkin-Engel Protocol') and calls for its full implementation;
11. Recalls that the CEN (European Committee for Standardisation) has recently decided to set up a new project committee in order to develop a two-part European standard for traceable and sustainable cocoa; calls on the Commission to give consideration to, and if appropriate submit a legislative proposal on, an effective traceability mechanism for goods produced by means of forced child labour; calls on the International Cocoa Agreement partners to support supply-chain improvements and better organisation of farmers in order to allow traceability throughout the cocoa sector supply chain;
12. Calls on the International Cocoa Agreement partners to look into the possibility of introducing accredited, third-party-audited traceability for the cocoa supply chain;
13. Calls on the Commission, the ILO-IPEC and other partners to continue their efforts to arrive at a better understanding of the economic, social and cultural complexities of farming communities;
14. Instructs its President to forward this resolution to the Council, the Commission, UNICEF, the co-presidents of the ACP-EU Joint Parliamentary Assembly, the African Union and the ILO.

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<sup>(1)</sup> Texts adopted, P7\_TA(2011)0586.

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## Addressing the EU diabetes epidemic

P7\_TA(2012)0082

**European Parliament resolution of 14 March 2012 on addressing the EU diabetes epidemic (2011/2911(RSP))**

(2013/C 251 E/09)

*The European Parliament,*

— having regard to Article 168 of the Treaty on the Functioning of the European Union,

**Wednesday 14 March 2012**

- having regard to the St Vincent Declaration on Diabetes Care and Research in Europe, adopted at the first meeting of the St Vincent Declaration Diabetes Action Programme, held in St Vincent between 10 and 12 October 1989 <sup>(1)</sup>,
- having regard to the creation by the Commission on 15 March 2005 of an EU Platform on Diet, Physical Activity and Health <sup>(2)</sup>,
- having regard to the Commission Green Paper of 8 December 2005 entitled 'Promoting healthy diets and physical activity: a European dimension for the prevention of overweight, obesity and chronic diseases', which addresses the determinants underlying the onset of Type 2 diabetes (COM(2005)0637),
- having regard to the Conclusions of the Austrian Presidency Conference 'Prevention of Type 2 Diabetes', held on 15 and 16 February 2006 in Vienna <sup>(3)</sup>,
- having regard to its declaration of 27 April 2006 on diabetes <sup>(4)</sup>,
- having regard to the Council conclusions on promotion of healthy lifestyles and prevention of Type 2 diabetes <sup>(5)</sup>,
- having regard to the World Health Organisation Regional Committee for Europe resolution of 11 September 2006 entitled 'Prevention and control of non-communicable diseases in the WHO European region' <sup>(6)</sup>,
- having regard to UN General Assembly Resolution 61/225 of 20 December 2006 on World Diabetes Day,
- having regard to Decision No 1350/2007/EC of the European Parliament and of the Council of 23 October 2007 establishing a second programme of Community action in the field of health (2008-13) <sup>(7)</sup>, and the subsequent Commission Decision of 22 February 2011 concerning the adoption of a financing decision for 2011 in the framework of the second programme of Community action in the field of health (2008-2013) and on the selection, award and other criteria for financial contributions to the actions to this programme <sup>(8)</sup>,
- having regard to the Commission White Paper of 23 October 2007 entitled 'Together for Health: A Strategic Approach for the EU 2008-2013' (COM(2007)0630),
- having regard to the Seventh Research Framework Programme (2007-2013) <sup>(9)</sup> and to the Framework Programme for Research and Innovation (COM(2011)0808),
- having regard to the Commission Communication of 20 October 2009 entitled 'Solidarity in health: reducing health inequalities in the EU' (COM(2009)0567),
- having regard to UN General Assembly Resolution 64/265 of 13 May 2010 on prevention and control of non-communicable diseases,

<sup>(1)</sup> <http://www.idf.org/webdata/docs/idf-europe/SVD%201989.pdf>

<sup>(2)</sup> [http://ec.europa.eu/health/nutrition\\_physical\\_activity/platform/index\\_en.htm](http://ec.europa.eu/health/nutrition_physical_activity/platform/index_en.htm)

<sup>(3)</sup> [http://www.msps.es/organizacion/sns/planCalidadSNS/pdf/excelencia/cuidadospaliativos-diabetes/DIABETES/opsc\\_est9.pdf](http://www.msps.es/organizacion/sns/planCalidadSNS/pdf/excelencia/cuidadospaliativos-diabetes/DIABETES/opsc_est9.pdf)

<sup>(4)</sup> OJ C 296 E, 6.12.2006, p. 273.

<sup>(5)</sup> OJ C 147, 23.6.2006, p. 1.

<sup>(6)</sup> [http://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0004/77575/RC56\\_eres02.pdf](http://www.euro.who.int/__data/assets/pdf_file/0004/77575/RC56_eres02.pdf)

<sup>(7)</sup> OJ L 301, 20.11.2007, p. 3.

<sup>(8)</sup> OJ C 69, 3.3.2011, p. 1.

<sup>(9)</sup> OJ L 412, 30.12.2006, p. 1.

Wednesday 14 March 2012

- having regard to the major outcomes and recommendations of project FP7-HEALTH- 200701 set out in 'DIAMAP – Road Map for Diabetes Research in Europe' <sup>(1)</sup>,
  - having regard to the Commission Communication of 6 October 2010 entitled 'Europe 2020 Flagship Initiative – Innovation Union' (COM(2010)0546), and its pilot partnership on active and healthy ageing,
  - having regard to the Council Conclusions of 7 December 2010 entitled 'Innovative approaches for chronic diseases in public health and healthcare systems',
  - having regard to the UN General Assembly Resolution 65/238 of 24 December 2010 on the scope, modalities, format and organisation of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases,
  - having regard to the Moscow Declaration adopted during the First United Nations Global Ministerial Conference on Healthy Lifestyles and Non-communicable Disease Control, held in Moscow on 28 and 29 April 2011 <sup>(2)</sup>,
  - having regard to its resolution of 15 September 2011 on the European Union position and commitment in advance of the UN high-level meeting on the prevention and control of non-communicable diseases <sup>(3)</sup>,
  - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas diabetes is one of the most common non-communicable diseases, estimated to affect more than 32 million EU citizens, representing nearly 10 % of the total EU population, with an additional 32 million citizens suffering from impaired glucose tolerance and with a very high probability of progressing to clinically manifest diabetes <sup>(4)</sup>;
- B. whereas the number of people living with diabetes in Europe is expected to increase by 16,6 % by 2030, as a result of the obesity epidemic, the ageing of the European population and other factors yet to be determined;
- C. whereas Type 2 diabetes decreases life expectancy by 5-10 years <sup>(5)</sup> and Type 1 diabetes decreases life expectancy by around 20 years <sup>(6)</sup>, and whereas 325 000 deaths per year are attributed to diabetes in the EU <sup>(7)</sup>, i.e. one EU citizen every two minutes;
- D. whereas the reduction of identified risk-factors, notably lifestyle habits, is increasingly recognised as a key prevention strategy able to reduce the incidence, prevalence and complications for both Type 1 and Type 2 diabetes;
- E. whereas research is still needed to clearly identify risk factors for Type 1 diabetes, while genetic predisposition is being researched and Type 1 diabetes is being contracted at an increasingly early age;
- F. whereas Type 2 diabetes is a preventable disease and for which risk factors – such as poor and unbalanced diet, obesity, lack of physical activity and alcohol consumption – have been clearly identified and can be addressed via effective prevention strategies;

<sup>(1)</sup> <http://www.diamap.eu/report/DIAMAP-Road-Map-Report-Sept2010.pdf>

<sup>(2)</sup> [http://www.who.int/nmh/events/moscow\\_ncds\\_2011/conference\\_documents/moscow\\_declaration\\_en.pdf](http://www.who.int/nmh/events/moscow_ncds_2011/conference_documents/moscow_declaration_en.pdf)

<sup>(3)</sup> Texts adopted, P7\_TA(2011)0390.

<sup>(4)</sup> International Diabetes Federation. IDF Diabetes Atlas, 4th edn. 2009. <http://www.diabetesatlas.org/downloads>

<sup>(5)</sup> [http://www.euro.who.int/\\_data/assets/pdf\\_file/0003/98391/E93348.pdf](http://www.euro.who.int/_data/assets/pdf_file/0003/98391/E93348.pdf)

<sup>(6)</sup> [http://www.diabetes.org.uk/Documents/Reports/Diabetes\\_in\\_the\\_UK\\_2010.pdf](http://www.diabetes.org.uk/Documents/Reports/Diabetes_in_the_UK_2010.pdf)

<sup>(7)</sup> International Diabetes Federation. IDF Diabetes Atlas, 3rd edn. Brussels, 2006 [http://www.diabetesatlas.org/sites/default/files/IDF%20Diabetes%20Atlas-2007%20\(3rd%20edition\).pdf](http://www.diabetesatlas.org/sites/default/files/IDF%20Diabetes%20Atlas-2007%20(3rd%20edition).pdf)

Wednesday 14 March 2012

- G. whereas no cures are currently available for diabetes;
- H. whereas the complications of Type 2 diabetes can be prevented through the promotion of a healthy lifestyle and early diagnosis; whereas, however, it is frequently diagnosed too late, and up to 50% of all people with diabetes are currently unaware of their condition <sup>(1)</sup>;
- I. whereas up to 75 % of all people with diabetes are not in good control of their condition, leading to an increased risk of complications, productivity loss and costs for society <sup>(2)</sup>, as found in a recent study <sup>(3)</sup>;
- J. whereas in most Member States diabetes is responsible for over 10 % of healthcare expenditure, a figure sometimes climbing as high as 18,5 % <sup>(4)</sup>, and the general healthcare cost for an EU citizen with diabetes is on average EUR 2 100 a year <sup>(5)</sup>; whereas these costs will inevitably increase given the rising numbers of people with diabetes, the ageing of the population and the associated rise in multiple co-morbidities;
- K. whereas diabetes, if poorly managed or diagnosed too late, is a leading cause of heart attacks, strokes, blindness, amputation and kidney failure;
- L. whereas promoting healthy lifestyles and addressing the four major health determinants – tobacco, poor diet, lack of physical activity and alcohol – through all policy areas can greatly contribute to the prevention of diabetes, its complications and its economic and social costs;
- M. whereas people living with diabetes must provide for 95 % of their own care <sup>(6)</sup>, whereas the burden of diabetes on individuals and their families is not only financial, but also involves psycho-social issues and reduced quality of life;
- N. whereas only 16 out of 27 Member States have a national framework or programme in place to tackle diabetes, and no clear criteria exist as to what constitutes a good programme or what the best-practice countries are <sup>(7)</sup>; whereas there are considerable differences and inequalities in the quality of diabetes treatment within the EU;
- O. whereas there is no EU legal framework for discrimination against people suffering from diabetes or other chronic diseases, and prejudice against sufferers is still widespread in schools, job recruitment, work places, insurance policies and in assessment for driving licenses throughout the EU;
- P. whereas there is a lack of funding and infrastructure to coordinate diabetes research in the EU, which has a negative impact on the competitiveness of EU diabetes research and prevents people with diabetes from benefiting fully from research in Europe;
- Q. whereas there is currently no European strategy for addressing diabetes, despite the Austrian Presidency Council Conclusions on promotion of healthy lifestyles and prevention of Type 2 diabetes <sup>(8)</sup>, an extensive list of UN Resolutions, and a European Parliament Written Declaration on diabetes;

<sup>(1)</sup> Diabetes – The Policy Puzzle: towards benchmarking in the EU 25 (2005) International Diabetes Federation, 2006, <http://www.idf.org/webdata/docs/idf-europe/DiabetesReport2005.pdf>

<sup>(2)</sup> Diabetes – The Policy Puzzle: towards benchmarking in the EU 25 (2005) International Diabetes Federation, 2006, <http://www.idf.org/webdata/docs/idf-europe/DiabetesReport2005.pdf>

<sup>(3)</sup> Diabetes expenditure, burden of disease and management in 5 EU countries, 2012 <http://www2.lse.ac.uk/LSEHealthAndSocialCare/research/LSEHealth/MTRG/LSEDiabetesReport26Jan2012.pdf>

<sup>(4)</sup> Diabetes – The Policy Puzzle: towards benchmarking in the EU 27 (2007) <http://www.idf.org/webdata/docs/EU-diabetes-policy-audit-2008.pdf>

<sup>(5)</sup> International Diabetes Federation. IDF Diabetes Atlas, 4th edn. Brussels, Belgium, 2009. <http://www.diabetesatlas.org/downloads>

<sup>(6)</sup> <http://www.worlddiabetesday.org/media/press-materials/press-releases/idf-launches-world-diabetes-day-2010-campaign>

<sup>(7)</sup> Diabetes – The Policy Puzzle: towards benchmarking in the EU 27 (2007) <http://www.idf.org/webdata/docs/EU-diabetes-policy-audit-2008.pdf>

<sup>(8)</sup> OJ C 147, 23.6.2006, p. 1.

Wednesday 14 March 2012

1. Welcomes the Council Conclusions of 7 December 2010, entitled 'Innovative approaches for chronic diseases in public health and healthcare systems' <sup>(1)</sup> and its call on the Member States and the Commission to 'initiate a reflection process aiming to identify options to optimise the response to the challenges of chronic diseases';
2. Takes note of its abovementioned resolution of 15 September 2011 on the European Union position and commitment in advance of the UN high-level meeting on the prevention and control of non-communicable diseases, which focuses on diabetes as one of the four major non-communicable diseases;
3. Calls on the Commission to develop and implement a targeted EU Diabetes Strategy, in the form of an EU Council Recommendation on diabetes prevention, diagnosis, management, education and research;
4. Calls on the Commission to draw up common, standardised criteria and methods for data collection on diabetes, and, in collaboration with the Member States, to coordinate, collect, register, monitor and manage comprehensive epidemiological data on diabetes, and economic data on the direct and indirect costs of diabetes prevention and management;
5. Calls on the Member States to develop, implement and monitor national diabetes programmes aimed at health promotion, risk-factor reduction and the prediction, prevention, early diagnosis and treatment of diabetes, targeting both the population at large and high-risk groups in particular, and designed to reduce inequalities and optimise healthcare resources;
6. Calls on the Member States to promote Type 2 diabetes and obesity prevention (recommending that strategies be implemented from an early age through education about healthy dietary and physical-activity habits in schools) and healthy lifestyle strategies, including exercise and diet approaches; stresses, in this regard, the need to align food-related policies with the objectives of promoting a healthy diet, allowing consumers to make informed and healthy choices, and early diagnosis as key fields of action in their national diabetes programmes;
7. Calls on the Commission to support Member States by promoting the exchange of best practice with regard to good national diabetes programmes; stresses the need for the Commission continuously to monitor progress as regards the Member States' implementation of national diabetes programmes, and to present the results on a regular basis in the form of a Commission report;
8. Calls on the Member States to develop diabetes management programmes based on best practices and evidence-based treatment guidelines;
9. Calls on the Member States to ensure continued patient access in primary and secondary care to high-quality interdisciplinary teams, diabetes treatments and technologies, including e-health technologies, and to support patients in obtaining and sustaining the skills and understanding needed to enable competent life-long self-management;
10. Calls on the Commission and the Member States to improve the coordination of European diabetes research by fostering collaboration between research disciplines and creating general, shared infrastructures to facilitate European diabetes research efforts, including in the fields of risk-factor identification and prevention;
11. Calls on the Commission and the Member States to ensure continued support for diabetes funding under the current and future EU Framework Programmes for Research, while considering Type 1 and Type 2 diabetes as distinct diseases;
12. Calls on the Commission and the Member States to ensure proper and adequate follow-up to the outcomes of the UN Summit on Non-Communicable Diseases of September 2011;

<sup>(1)</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/lisa/118282.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lisa/118282.pdf)

Wednesday 14 March 2012

13. Recalls the importance for the EU and the Member States, with a view to achieving NCD-related objectives and addressing public health, social and economic challenges, of further integrating prevention and risk-factor reduction into all relevant legislative and policy fields, and in particular into their environmental, food and consumer policies;

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

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## Enlargement report for the former Yugoslav Republic of Macedonia

P7\_TA(2012)0083

### European Parliament resolution of 14 March 2012 on the 2011 progress report on the former Yugoslav Republic of Macedonia (2011/2887(RSP))

(2013/C 251 E/10)

*The European Parliament,*

- having regard to the European Council decision of 16 December 2005 to grant the status of candidate country for EU membership to the former Yugoslav Republic of Macedonia and to the Presidency Conclusions issued following the European Council meetings of 15 and 16 June 2006 and 14 and 15 December 2006,
  - having regard to UNSC Resolutions 845 (1993) and 817 (1993), as well as to UN General Assembly resolution 47/225 (1993) and to the 1995 Interim Accord,
  - having regard to the judgment of the International Court of Justice on the Application of the Interim Accord of 13 September 1995 (The former Yugoslav Republic of Macedonia v. Greece),
  - having regard to the Commission's 2011 Progress Report (SEC(2011)1203) and the Commission Communication of 12 October 2011 entitled 'Enlargement Strategy and Main Challenges 2011-2012' (COM(2011)0666),
  - having regard to its previous resolutions,
  - having regard to the recommendations of the Joint Parliamentary Committee of 4 November 2011,
  - having regard to OSCE/ODIHR Election Observation Mission Final Report of early parliamentary elections of 5 June 2011,
  - 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 country,
  - having regard to the General Affairs and Foreign Affairs Council conclusions of 13 and 14 December 2010 and of 5 December 2011,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas at the Thessaloniki European Council meeting of 19 and 20 June 2003 a commitment was made to all the Western Balkan States that they would join the European Union and this commitment was reiterated at the High-Level Meeting on the Western Balkans in Sarajevo on 2 June 2010;

Wednesday 14 March 2012

- B. whereas the Commission in its 2011 Progress Report upheld its recommendation from 2009 to start EU accession negotiations with the country;
- C. whereas in its 2011 Enlargement Strategy the Commission confirmed that 'enlargement policy has proven to be a powerful tool for societal transformation' and that 'commitment, conditionality and credibility have been situated at the core of the accession process and its success';
- D. whereas the Association Partnership called for an intensification of efforts, based on a constructive approach, to find a negotiated and mutually acceptable solution to the name issue with Greece, in the framework of UN Security Council Resolutions 817 (1993) and 845 (1993), and for the avoidance of actions which could negatively affect such efforts; whereas both the Commission and the Council have repeatedly stressed that maintaining good neighbourly relations, including working towards a negotiated and mutually accepted solution to the name issue under the auspices of the UN is essential;
- E. whereas bilateral issues should not represent and be used as an obstacle in the accession process but should be addressed in a constructive spirit, as early as possible, taking into account overall EU interests and values;
- F. whereas regional cooperation and good neighbourly relations remain essential parts of the enlargement process and working out compromises on contested issues is the best way to enhance regional cooperation, in the interests of maintaining of peace and good-neighbourly relations in the Western Balkans; whereas continuation of the accession process would contribute to the stability of the country and would further strengthen inter-ethnic relations;
- G. whereas every candidate country has its own particular level of progress and dynamics of accession; whereas the EU has a responsibility not to leave any country behind and the credibility of the EU accession process can be compromised by continued delays in opening accession negotiations;
- H. whereas the former Yugoslav Republic of Macedonia was among the first countries of the region to be awarded candidate status, is the country with the highest domestic public support for EU accession and has now been the subject of a positive recommendation from the Commission to set a date for the start of EU accession negotiations for three successive years;
- I. whereas all candidate and potential candidate countries should be treated in the integration process according to their own merits;
1. Reiterates its call on the Council to set a date for the start of accession negotiations with the country without further delay;
  2. Shares the assessment made by the Commission in its 2011 progress report on the former Yugoslav Republic of Macedonia as regards the country's continuous fulfilment of political criteria; regrets that the Council did not follow the Commission's recommendation for the third consecutive year and did not decide to open the accession negotiations with the country at its meeting on 9 December 2011;
  3. Stresses the importance of the country's European integration process and of all efforts to support this aim, in particular the start of pre-screening of harmonisation of legislation with the *acquis* and the implementation of the second phase of the Stabilisation and Association Agreement;
  4. Is concerned, while not wishing to hold back welcome progress towards EU accession made by other countries in the Western Balkans, that the perception of the country's progress being 'overtaken' could hamper continued improvements in inter-ethnic relations in the country and that the failure of any country in the region to achieve steady progress towards EU accession ultimately poses a threat to stability and security for them all;

**Wednesday 14 March 2012**

5. Points out that, while every candidate country has its own particular level of progress and dynamics of accession, the EU has a responsibility not to leave the country behind;
6. Notes the comment made by the Commissioner for Enlargement and Neighbourhood Policy on 5 September 2011 that 'the positive recommendation of the European Commission is not inscribed in stone'; points out, nevertheless, that the decision of the Council not to follow the recommendation of the Commission has triggered legitimate frustration and dissatisfaction in the country's public opinion and notes that the EU and its Member States must never take for granted the European perspective of any applicant country and must show equal efforts towards accelerating the accession process in a true spirit of partnership;
7. Welcomes the appointment of the new Head of the EU Delegation and hopes that this appointment will strengthen relations between the EU and the country;
8. Welcomes the commencement on 15 March 2012 of the High Level Accession Dialogue with the European Commission as a step forward in the EU accession process, which aims to take forward the reform agenda through a substantial exchange of views and regular technical consultations in five key policy areas – freedom of expression, rule of law, public administration reform, electoral reform, and the economic criteria; shares the view of the Commission and of Government authorities that there is a need to focus the dialogue on chapters 23 (Judiciary and fundamental rights) and 24 (Justice, freedom and security), which will further advance the degree of application of EU accession criteria and standards; expects that this advanced form of a dialogue will continue in other areas crucial for EU accession process; considers that this dialogue will create a new commitment to reforms and strengthen our relationship through biannual political level meetings;
9. Recognises that membership of NATO and membership of the European Union are both essential to the Euro-Atlantic approach adopted by the country, and notes that the NATO Summit in Chicago in May 2012 as well as the launch of the High Level Accession Dialogue and the June 2012 European Council provide further important opportunities for additional progress; recalls the recent statement by the NATO Secretary General that an invitation will be extended to the country as soon as a mutually acceptable solution is reached on the name issue;
10. Reiterates its call on the authorities and the media to work towards the creation of a positive atmosphere that will help to develop relations with neighbouring countries and not encourage hate speech;
11. Notes the decision of the government formed in July 2011 to apply the Amnesty Law to the four war-crimes related cases which were returned to domestic jurisdiction from the International Criminal Tribunal for the Former Yugoslavia in 2008; asks the government to investigate alternative options to ensure access to justice and reparation for the victims of these crimes and their families consistent with the obligations of international humanitarian law;

***The name dispute***

12. Notes the decision of the International Court of Justice with respect to the name dispute issued on 5 December 2011; takes the view that this decision should give a new impetus to ensure that every possible effort is made to solve the name dispute under the auspices of the UN, and calls on the parties to comply with the judgment in good faith and use it to intensify dialogue, stressing at the same time the need for a mutually accepted compromise; welcomes in this regard the statement by the UN-appointed mediator and his call on the parties to view this event as an opportunity to think constructively about their mutual relationship and to consider a renewed initiative with a view to reaching a definitive solution to this issue;
13. Strongly regrets that the name dispute is continuing to block the country's road to EU accession and thus hindering the enlargement process itself; underlines that good neighbourly relations are a key criterion for the EU enlargement process and calls on the governments concerned to avoid controversial gestures, controversial actions and statements which could have negative effects on relations;



Wednesday 14 March 2012

14. Reiterates its call on the Vice-President/High Representative and the Commissioner responsible for enlargement to facilitate an agreement on the name issue and offer political guidance; takes the view, moreover, that the country's leadership and the European Union should consistently explain to the public the benefits of the solution when it is agreed, ahead of the referendum on the issue;

15. Regrets the omission of the term 'Macedonian' in the Progress Report 2011 and since 2009 despite the fact that it is the norm in references to the country's language, culture and identity in United Nations texts; draws attention to the negative reactions that this aspect has provoked in public opinion this year and calls on the Commission to take this into consideration when preparing future reports; recalls that the Ohrid Framework Agreement is based on the principle of respect for the ethnic identity of all communities;

16. Emphasises the importance of maintaining the 'momentum' of the accession process; in this connection, welcomes the offer by the government of the country to set a deadline for a successful resolution of the name dispute at the latest before the end of the screening process to be undertaken by the Commission as soon as the negotiations begin; believes genuine efforts by the government and delivery of EU reforms across the full range of relevant issues can help create a political environment conducive to overcoming bilateral issues, as demonstrated by other enlargement processes; points out that the parallel process of solving the bilateral issue and pursuing the accession negotiations, on the same basis as the Slovenia-Croatia model, will be beneficial both to the country and to the EU;

17. Reiterates its call on the Commission and the Council to start developing, in accordance with the EU Treaties, a generally applicable arbitration mechanism aimed at solving bilateral issues between enlargement countries and Member States;

#### ***Parliamentary cooperation***

18. Welcomes the election of the new parliament and the swift creation of the coalition government, resulting from the early parliamentary elections; calls for the strengthening of political dialogue, drawing attention to the parliament as a key democratic institution for discussion and resolution of issues resulting from political differences; notes that the National Assembly's resolution welcomed the recommendations of this year's Progress Report and was adopted by consensus; calls on all political actors in the country to redouble their efforts to proceed with necessary reforms, including the effective implementation and follow-up of the Commission's recommendations;

19. Congratulates the country on the conduct of the early parliamentary elections of 5 June 2011 and welcomes the OSCE/ODHIR's assessment that they were competitive, transparent and well-administered throughout the country; draws attention, however, to some shortcomings and calls on the authorities to follow up on the recommendations of the international community, in particular the conclusions and recommendations of the OSCE/ODIHR election observation mission, and of the domestic observers from the association Most, such as updating the voter list, guaranteeing balanced coverage by the press, including by the public broadcaster, of both the government and the opposition parties, protecting civil servants against all kind of political pressures, ensuring the effective monitoring of party financing and transparent public funding, arrangements for out-of-country voting, and fully respecting separation between state and party structures; calls on the relevant authorities to address these issues in the near future;

20. Welcomes the ending of parliamentary boycotts and believes the further strengthening of democracy in the country can only be achieved by an enhanced spirit of political dialogue within established democratic institutions, incorporating all political parties; calls for the parliament's overseeing role vis-à-vis the government and its agencies to be strengthened; calls for the necessary finance to be made available and for the necessary additional staff to be appointed to enable the full establishment of the Parliamentary Institute; encourages the progress made through the establishment of parliamentary oversight hearings and supports further efforts from the European Union to provide technical assistance to the National Assembly to develop its practices; encourages the continuing work of the Joint Parliamentary Committee with the European Parliament;

Wednesday 14 March 2012

***Economic development***

21. Commends the country for its good economic performance and for maintaining macro-economic stability; congratulates the government on being the third most successful country in the world over the past five years in undertaking regulatory reforms according to the World Bank 'Doing Business' Report; notes that the global economic downturn has affected Foreign Direct Investment, which remains at a very low level; believes that the potential for investment, trade and economic development remains a decisive argument for pursuing the country's accession to the EU;

22. Notes that legal predictability and efficient enforcement of laws are essential for further enhancement of the business environment for domestic companies and foreign investors; calls on the government, therefore, to accelerate efforts to ensure an effective and independent judiciary, as well as a professional, competent and impartial administration, including steps to strengthen the independence and capacities of regulatory and supervisory agencies;

23. Recognises the challenges of high unemployment and poverty, which continue to represent a major burden on the country; welcomes the debate on a minimum wage that is currently taking place in the parliament; recalls the low standing of the country in the UN Human Development Index and welcomes the adoption of the Strategy against Poverty and Social Exclusion; stresses, while calling on the government to make more efforts to address structural unemployment and protect vulnerable groups, that only sustainable economic growth through the creation of an environment that encourages businesses to invest more can be a solution to the serious problem of persistently high levels of unemployment in the country; to this end, urges the government to support small and medium-sized enterprises by facilitating access to finance and encourages it to continue its good practice of consulting business community representatives;

24. Welcomes the fact that the country has moved up 40 places in the Transparency International anti-corruption index over the last five years; commends the amendments made to the legal framework for anti-corruption policy in line with GRECO recommendations; shares the Commission's view, however, that corruption remains 'a serious concern'; urges continued efforts to establish a track-record for achieving convictions on a non-partisan basis in cases of corruption, particularly at a high level and in key areas of concern such as public procurement; underlines the need for greater transparency as regards public expenditure and the funding of political parties; calls on European Union investors and businesses trading with the country to play a greater peer leadership role in speaking out against corruption with their local partners;

25. Notes the finding of the Progress Report that the independence and impartiality of the State Commission for the Prevention of Corruption remains fragile; calls for stronger legal and institutional protection of whistleblowers; welcomes the new Criminal Procedure Code adopted in the framework of the wider Criminal Justice Reform, which should improve the investigative procedures for complex organised crime and corruption cases; welcomes the appointment from next year of an investigative team working directly for the Public Prosecutor and hopes this will enable more cases referred by the Commission to lead to actual convictions; calls on the government to provide the State Commission for the Prevention of Corruption with the necessary funding and staff; emphasises that political will is crucial in dealing with systemic corruption;

26. Notes the adoption of a wide-ranging legal package aimed at further strengthening the efficiency and independence of the judiciary; welcomes in this regard the efficient work of the Academy of Judges and Public Prosecutors and the implementation of random distribution of cases; encourages the authorities in charge to continue implementing legislation to combat corruption and improving the independence, efficiency and resources of the judiciary; draws attention to the importance of the court system functioning free from political interference; welcomes the efforts to increase the efficiency and transparency of the court system; stresses the need to build up an enforcement record of 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;

Wednesday 14 March 2012

***Ohrid Framework Agreement (OFA)***

27. Congratulates the country on the 20th anniversary of its independence and on the 10th anniversary of the Ohrid Framework Agreement in 2011; stresses that the agreement can be a model of successful resolution of inter-ethnic conflicts while preserving the territorial integrity and reforming the structures of the state; stresses, nevertheless, that further and even stronger efforts are needed in order to achieve full reconciliation between the parties and lay down the basis for the consolidation of non-partisan and inter-ethnic democratic institutions;

28. Commends the Prime Minister's speech of 5 September 2011 welcoming multiculturalism as the country's social and political model, underlining the need to implement the OFA and setting the objective of 'integration without assimilation'; supports the commitments made towards a second decade of implementation of the Ohrid Framework Agreement;

29. Acknowledges the recent adoption of several laws, in particular the amendments to the Law on Languages and the use of symbols; calls for active support in all localities for Committees for relations amongst communities;

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

31. Emphasises the need for adequate preparation and operational organisation of the census in accordance with the law and Eurostat standards; calls on the government to present a credible plan for implementation of the process; notes the importance of the 20 % threshold for triggering certain rights under the OFA, but insists that no form of discrimination can ever be justified vis-à-vis the Albanian or any other minority ethnic community on the basis of their numbers in the population;

32. Calls for significantly enhanced efforts to combat separation between children of different ethnic groups in the education system, while supporting the right of all to education in their mother tongue; to this end, underlines the importance of developing new textbooks aimed at improving mutual understanding and ending the harmful practice of ethnic shifts still present in some schools; calls, in view of the crucial importance of education to the country, for more support to be provided to it from the Instrument for Pre-Accession Assistance, provided that educational segregation is effectively dealt with;

***Decentralisation***

33. Supports decisive steps towards political decentralisation in the country, which has been described by the government as the 'main pillar' of the OFA and is in the interests of good public administration; welcomes the approval of action plans to achieve this;

34. Endorses the Commission's recommendation for stronger impetus to be given to the decentralisation process; calls for a significant rebalancing between central and local budgets to achieve this decentralisation; stresses the importance of transparency, objectiveness and impartiality in the distribution of grants to municipalities; expresses its concern that some municipalities will experience financial troubles due to lack of financial management capacities, and urges the government, where necessary with support from the Commission, to provide them with adequate technical assistance;

35. Commends the successful cooperation programme between municipalities, assisted by the UNDP, and calls for the EU to step up its support for this practice;

Wednesday 14 March 2012

### ***Fundamental rights***

36. Is deeply concerned about recent developments in the media and the fact that media ownership remains opaque and highly concentrated; urges the country to demonstrate an absolute commitment to media freedoms and pluralism, including informed and pluralistic debate about the reform issues identified in the Progress Report; welcomes the invitation to the OSCE Representative on Freedom of the Media to take part in the newly established Round Table on freedom of the media and endorses her statement that, while all the media outlets must comply with the legal and financial rules for doing business, media critical to one party must not be particularly targeted by the legal system; urges the authorities to ensure respect for the rule of law and media freedom in the country and thereby ensure that the Commission's assessment remains positive in the future;

37. Calls for the equitable and transparent distribution of government advertising revenues between all national broadcasters without any consideration of editorial content or political inclination; endorses the Commission's recommendation for action to ensure that the state television channel fulfils the objectives and plays the impartial role of a public service broadcaster; calls on the authorities to adopt the necessary changes so as to align the Law on Broadcasting with EU legislation;

38. Calls for efforts to avoid abuse of libel actions against journalists for political reasons; welcomes the recent announcement by the Government that the defamation law is to be removed from the penal code and the pending lawsuits against journalists suspended; stresses that media freedom is the cornerstone of democracy and an imperative for any country aspiring to become an EU Member State; shares the view that the media sector should elaborate and implement high professional standards for journalists and adhere to the rules of journalistic ethics; calls on the authorities to draw up anti-trust legislation in the field of the media, as well as measures to prevent political influence in the media sector;

39. Welcomes the fact that freedom of thought, conscience and religion is generally ensured; encourages the government to continue its efforts of strengthen anti-discrimination policies, emphasises the importance of preventing discrimination on ethnic grounds, including discrimination against citizens expressing openly their Bulgarian identity and/or ethnic background;

40. Welcomes the establishment of an Anti-Discrimination Commission this year and calls for the European Union's Fundamental Rights Agency and in the Equinet Network of European independent anti-discrimination agencies to fully support and cooperate with its work; welcomes the fact that three complaints of alleged discrimination on grounds of sexual orientation brought forward by the Coalition for Sexual and Health Rights are being investigated by the Commission;

41. Calls for the strengthening of anti-discrimination policies and the effective implementation thereof, including more efforts to protect the rights of women and children, as well as those of disabled people; welcomes the active and effective role of the Parliamentary Women's Club, but is concerned by still low participation of women in political life at local level, and considers that education programmes aimed at involving women in civil and political life should be enhanced and implemented; calls for further efforts to deinstitutionalise disabled people; welcomes the parliamentary ratification of the UN Convention on the Rights of Persons with Disabilities on 7 December 2011;

42. Is concerned that only limited progress has been made regarding gender equality and women's rights; encourages the government to make gender equality a political priority and to increase support for activities and initiatives aimed at combating discriminatory customs, traditions and stereotypes that undermine women's basic rights;

43. Reiterates its call for the Law on Prevention and Protection Against Discrimination to be amended to prohibit discrimination on all grounds, which is covered by Article 19 of the Treaty on the Functioning of the European Union, and underlines that this is a prerequisite for accession; expresses its concern about university and school text books which describe homosexuality as a disease and calls for their immediate modification; calls on the Commission to develop capacity-building programmes aimed at strengthening civil society, including the LGBT community;

Wednesday 14 March 2012

44. Welcomes the country's current chairmanship of the Decade of Roma Inclusion and hopes this will further inspire progress in integrating Roma in political, social and economic life; welcomes the progress in the integration of Roma in the education system, with increased enrolment in secondary and university education, as well as improved representation of Roma in the civil service; draws attention, however, to the Commission's conclusion that continued efforts are necessary to foster trust, especially in the areas of education, culture and language; reiterates its concern about the very difficult living conditions experienced by the Roma community and the fact that they continue to face discrimination in access to education, the labour market, healthcare and social services; draws attention to the particularly difficult situation of Roma women and children living under the poverty line and calls on the authorities to take immediate steps to address this issue;

45. Welcomes the adoption by the government of the Strategy on Social Inclusion of Roma 2012-2014; points out, nevertheless, that there no state funds have been allocated for the implementation of the measures under the relevant action plan in 2012 and, in this connection, calls on the authorities to find the necessary resources;

46. Calls on all stakeholders to promote and contribute to the development of an independent, pluralist, interethnic, intercultural and non-partisan civil society within the country; underlines, however, that, in order to play that role, civil society organisations need to be considerably strengthened and to become independent of external influences, in particular of political interests, and that this is generally not yet the case in the country; calls for domestic finance to be made available to non-governmental organisations in order to end over-reliance on foreign donors;

47. Believes, nevertheless, that the EU's Civil Society Facility has the potential to dramatically enhance exchanges between NGOs, businesses and trade unions in the country with partners in EU Member States for their mutual benefit and with the direct aim of enhancing the EU accession process; to this end, calls on the Commission to expand financial support from the Pre-Accession Instrument to enhance the development of non-governmental organisations in particular;

48. Underlines that the country has ratified the eight core ILO labour rights conventions; 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 unions rights; in this connection, encourages the government to ensure sufficient administrative capacity to allow proper implementation and enforcement of labour law; points to the important role of social dialogue and encourages the government to step up its ambitions and establish an all-inclusive social dialogue with the relevant partners;

### ***Justice and Home Affairs***

49. Notes the progress made in the reform of the judiciary; congratulates the Academy for the Training of Judges and Prosecutors, now enjoying its fifth anniversary, on its work; is concerned at the shortcomings of the Law on Judges, in which there is leeway for political influence through dismissal procedures, but recognises that there is consensus on the need for more objective criteria in this respect; stresses, while welcoming the new focus on the performance of judges, that this cannot be achieved without equal commitment to the quality of judgments, including a commitment to continuous training and merit-based recruitment procedures, and to the principle of judicial independence;

50. Is concerned about the reports of ill-treatment by the police, and calls for their thorough investigation, in particular with regard to the tragic incident on the election night and claims that a full investigation was not undertaken at the crime scene; underlines the importance of ensuring the independence of police control mechanisms, in particular the Sector for Internal Control and Professional Standards in the Ministry of the Interior;

51. Encourages the steps being taken to improve the situation in prisons, such as new training and professional development courses for prison staff, the construction of several new prisons to replace old ones and the initiative to draft the law on probation in an effort to address overcrowding; encourages continuing progress in improving prison conditions and calls for specific attention to be given to juvenile detention facilities and to the Progress Report finding that the unit to combat ill-treatment is unable to fulfil its mission;

**Wednesday 14 March 2012**

52. Commends the cooperation with the European Union on the fight against organised crime and terrorism and welcomes the agreements on judicial and police cooperation signed with neighbouring countries; welcomes the conclusion of an operational agreement between the country and Europol in order to significantly facilitate the exchange of analytical data and improve the fight against organised crime and terrorism; notes the Act of Systematisation and the changes it introduces into the Organised Crime Department of the Ministry of Interior to improve its functionality and integration into the national and international criminal investigation intelligence system; welcomes the new Criminal Procedure Code, which should improve the investigative procedures for complex organised crime and corruption cases; insists that surveillance must be carried out in proportion to the genuine threat to public security, with enhanced judicial control and strengthened parliamentary oversight of intelligence and counter-intelligence services;

53. Encourages the authorities to complete the long overdue announcement of names of agents affiliated with the former Yugoslav secret services as a major step towards breaking with the Communist past; encourages strengthening the mandate of the Data Verification Commission, notably its independence to disclose its findings directly to the public and the transfer of all necessary documents on a permanent basis to the Commission's premises;

54. Notes the measures taken to manage migration flows more effectively, in particular by addressing concerns about false asylum seekers; expresses concern, however, about the use of profiling and calls for the strict application of the principle of non-discrimination in such measures; calls for enhanced efforts to implement rights of citizenship for eligible refugees and for asylum applications to be processed in timely fashion and in full compliance with international human rights law;

55. Welcomes the fact that the country's citizens have benefitted from visa liberalisation since December 2009; commits to defend the visa-free regime as a cornerstone of relations between the country and the European Union, as well as a significant measure to further promote and strengthen people-to-people contacts;

***Public administration***

56. Welcomes the adoption of the updated Public Administration Reform Strategy up to 2015 and the entering into force of the Law on Public Servants in April 2011; urges the government to further harmonise the legal framework in the area of civil servants and public employees, including by amending relevant laws; emphasises the further steps which need to be taken with a view to ensuring a professional and impartial civil service, including at municipal level; welcomes, in this respect, the establishment of a High Administrative Court and encourages the institutions responsible for public administration reform to contribute to accelerating the reform process; insists that appointments on merit and not according to political affiliation can and must be achieved in parallel with efforts for equitable representation;

57. Commends the government on the progress in the area of regional development and in preparing the transfer of management of funds under the IPA; notes with satisfaction the accreditation of national authorities for the IPA components on transition assistance and institution-building, regional development, human resources development and rural development; calls on the government and the Commission to speed up the necessary work with a view to transferring management of the remaining IPA component on cross-border cooperation; reiterates the importance of the IPA as a key tool designed to assist the country in preparing for EU membership, and encourages the government to further enhance inter-ministerial coordination so that the country can fully benefit from available resources;

***Other reform issues***

58. Welcomes the campaign on energy efficiency and expects more effective measures to promote renewable energy, in line with the country's potential; underlines the importance of effective implementation of legislation in the field of the environment, in order to protect natural resources, in particular water; notes that the country has not yet undertaken pledges in relation to Greenhouse Gas Reduction and that there is a need to raise the national debate on the negative consequences of climate change; calls for more efforts to align national legislation with the EU acquis in this area;

Wednesday 14 March 2012

59. Welcomes the progress made in modernising transport, energy and telecommunications networks and, in particular the efforts to complete Corridor X; in view of the importance of the railway links as an alternative to road transport, welcomes the government's intention to upgrade or construct the railway links from Skopje to the capitals of the neighbouring countries and calls for finalisation of the railway connections within Corridor VIII;

60. Expresses its disappointment at the lack of progress in joint celebrations of common historic events and figures with neighbouring EU Member States, which would contribute to a better understanding of history and good neighbourly relations; encourages the establishment of joint expert committees on history and education with Bulgaria and Greece, with the aim of contributing to an objective, fact-based interpretation of history, strengthening academic cooperation and promoting positive attitudes in young people towards their neighbours;

61. Encourages continuing efforts to implement the Bologna process in higher education and cooperation with other countries in the region in order to promote the quality of universities; recalls the importance of the principle of academic freedom;

62. Congratulates the country on the strong performance of its team in the European Basketball Championship 2011;

63. Welcomes the high level of alignment between the country and EU Common Positions in the field of foreign policy; encourages the country's efforts to establish good relations with its neighbours; welcomes the fact that the demarcation of the border with Kosovo in 2009 has enabled closer relations and, as of September 2011, an agreement on joint border controls; anticipates that this agreement will be fully operational in the near future; congratulates the authorities on the recent successful organisation of the Meeting of Ministers of EU Integration from the Western Balkans in Skopje;

64. Underlines the importance of regional cooperation as an essential part of the process of moving towards the European Union; welcomes the steps towards facilitation of freedom of movement in the region, embodied in the treaty with Albania and Montenegro allowing their citizens to cross borders and travel freely within the three countries, simply with identity cards; encourages the extension of the initiative to other countries of the region;

65. Welcomes the country's international involvement in several important activities, such as taking part in the EUFOR Althea Mission, its chairmanship of the European Cooperation Process 2012-2013 and its full cooperation with the ICTY;

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66. 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 country.

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## Enlargement report for Iceland

P7\_TA(2012)0084

**European Parliament resolution of 14 March 2012 on the 2011 progress report on Iceland (2011/2884(RSP))**

(2013/C 251 E/11)

*The European Parliament,*

— having regard to the decision of the European Council of 17 June 2010 to open accession negotiations with Iceland,

**Wednesday 14 March 2012**

- having regard to the results of the Accession Conferences with Iceland at Ministerial level of 27 June 2010, 27 June 2011 and 12 December 2011, as well as the Accession Conference with Iceland at Deputy level of 19 October 2011,
  - having regard to the Communication from the Commission to the European Parliament and the Council entitled 'Enlargement Strategy and Main Challenges 2011-2012' (COM(2011)0666) and to the Iceland 2011 Progress Report adopted on 12 October 2011 (SEC(2011)1202),
  - having regard to the results of the screening process,
  - having regard to the National IPA Programme for Iceland adopted in October 2011 with a budget of EUR 12 million,
  - having regard to its resolution of 7 July 2010 on Iceland's application for membership of the European Union <sup>(1)</sup> and its resolution of 7 April 2011 on the 2010 progress report on Iceland <sup>(2)</sup>,
  - having regard to the meetings of the EU-Iceland Joint Parliamentary Committee,
  - 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 of the EU *acquis* has almost been completed;
- C. whereas eight chapters have been opened and provisionally closed so far in the accession negotiations (Chapter 2 - Freedom of Movement for Workers, Chapter 6 - Company Law, Chapter 7 - Intellectual Property Laws, Chapter 20 - Enterprise and Industrial Policy, Chapter 21 - Trans-European Networks, Chapter 23- Judiciary and Fundamental Rights, Chapter 25 - Science and Research and Chapter 26 - Education and Culture) and three more others have been opened (Chapter 5 - Public Procurement, Chapter 10 - Information Society and Media and Chapter 33 - Financial and Budgetary Provisions);
- D. whereas, as underlined by the renewed consensus on enlargement, each country's progress towards membership of the European Union is a merit-based one;
- E. whereas Iceland is already cooperating closely with the EU as a member of the European Economic Area (EEA), the Schengen Agreements and the Dublin II Regulation, and has already adopted a significant part of the *acquis*;
- F. whereas Iceland's accession process should fully safeguard the principles and the *acquis* of the EU;
- G. whereas Iceland contributes to European cohesion and solidarity through the Financial Mechanism under the European Economic Area (EEA) and cooperates with the EU in peacekeeping and crisis management operations;
- H. whereas economic and fiscal consolidation are right on track, the Icelandic economy is moderately improving and the GDP is expected to slowly recover;

<sup>(1)</sup> OJ C 351 E, 2.12.2011, p. 73.

<sup>(2)</sup> Texts adopted, P7\_TA(2011)0150.



Wednesday 14 March 2012

**General remarks**

1. Recalls that the Copenhagen criteria and the Union's integration capacity provide the general basis for accession to the EU;

2. Supports Iceland's progress in the accession process; welcomes the opening of eleven negotiation chapters and the provisional closure of eight of these chapters in the accession negotiations; considers it important to create the conditions to complete the accession process with Iceland and ensure that its accession will be a success;

**Political criteria**

3. Welcomes the prospect of having as a new EU Member State a country with a historically long and strong democratic tradition and civic culture;

4. Notes the close historic ties of Iceland with Northern Europe and the successful Euro-Atlantic cooperation for more than 60 years;

5. Notes with satisfaction the establishment of the Constitutional Council and the ongoing process of the review of the Icelandic Constitution aimed at increasing democratic safeguards, strengthening checks and balances, improving the functioning of the state institutions and better defining their respective roles and powers; welcomes the efforts to strengthen the role and efficiency of the Icelandic Parliament (Althingi) by reinforcing its oversight role, as well as the transparency of the legislative process;

6. Notes the reshuffle of the Icelandic Government on 31 December 2011; expresses confidence that the new Government will continue negotiations with an even stronger and more persistent commitment towards the accession process;

7. 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; 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;

8. Welcomes the good progress made in strengthening the independence and efficiency of the judiciary, as well as the reinforcement of the anti-corruption policy framework, recognised through the provisional closure of Chapter 23;

9. Further welcomes the new media act adopted by the Althingi on 20 April 2011; encourages the relevant parliamentary committees appointed during the summer of 2011 to work on the legislative framework in this field as well as on the ownership concentration in the Icelandic media market and the role of the Icelandic National Broadcasting Service in the advertising market;

10. Reiterates its support for the Icelandic Modern Media Initiative, and looks forward to its transposition into law and judicial practice, enabling both Iceland and the EU to position themselves strongly as regards legal protection of the freedoms of expression and information;

11. Reiterates its invitation to the Icelandic authorities to harmonise EU citizens' rights concerning their right to vote in local elections in Iceland;

12. Takes note of the political division inside the government as well as within the Althingi and all of Iceland's main political forces regarding EU membership; encourages the adoption of comprehensive strategies for accession to the EU in certain areas, and particularly in those that are not covered by the EEA;

**Wednesday 14 March 2012**

13. Is pleased to note that a significant proportion of Icelanders are in favour of the continuation of the accession negotiations; welcomes the government's support for a well-informed and balanced debate about the accession process and the involvement of Icelandic society in the public discussions about EU membership; considers that the opening of the EU Information Centre in Iceland is an opportunity for the EU to provide the citizens of Iceland with all possible information regarding all consequences of EU membership for the country and the EU itself;

14. Considers it essential 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 as well as to respond to their views and interests;

***Economic criteria***

15. Welcomes Iceland's close economic ties with the EU and its generally satisfactory track record in implementing its EEA obligations and in its ability to withstand competitive pressure and market forces within the EU over the medium term, provided that it continues to address current weaknesses through appropriate macroeconomic policies and structural reforms; recalls, however, the need to fully address existing EEA obligations as identified by the EFTA Surveillance Authority;

16. Invites the Icelandic authorities to tackle the still significant state intervention in the banking sector; encourages the Icelandic authorities to gradually reform and open industries like energy, air, transport and fishing, which continue to be protected from foreign competition, taking into due consideration the specificities of the country; supports, in this connection, the efforts to shed further light on the causes of the collapse of Iceland's economic and financial system; emphasises that the elimination of protectionism is a prerequisite for sustainable economic development;

17. Commends Iceland for successfully completing the Economic Recovery Programme with the IMF, which aimed at fiscal and economic consolidation;

18. Is pleased to note the good economic progress already achieved and the extensive restructuring and reforms pursued in the financial sector; encourages the Icelandic authorities to continue their efforts to reduce the level of unemployment and in particular youth unemployment;

19. Welcomes the adoption of the Iceland 2020 Policy Statement and encourages the government to stimulate small and medium enterprises (SMEs) in the country by facilitating their presence in the international market and by providing adequate access to financial resources;

20. Takes note of the approval by the Althingi of the revised strategy for the lifting of capital controls, prepared by the Icelandic authorities in consultation with the IMF, and of the constructive dialogue conducted between Iceland and the EU in this field; recalls that the lifting of capital controls is an important requirement for the country's accession to the EU;

21. Recalls that the Icesave dispute remains unresolved at this stage; stresses that the Icesave issue must be resolved outside the accession negotiations and must not be an obstacle in the way of Iceland's accession process; takes note of EFTA's Surveillance Authority decision to refer the 'Icesave' case to the EEA Court and of the ruling of the Icelandic Supreme Court upholding the Emergency Act of 6 October 2008; appreciates the continuous commitment of the Icelandic authorities to resolve this dispute and welcomes the first partial payments to priority creditors in the winding-up of Landsbanki Íslands hf, estimated to be close to one-third of the recognised priority claims;

***Capacity to adopt the obligations of membership***

22. 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;

Wednesday 14 March 2012

23. Takes note of the results of the screening process; welcomes Iceland's stated ambition to open all negotiation chapters during the Danish Presidency; hopes that accession negotiations will proceed successfully during the current Presidency, while emphasising the need to meet the opening benchmarks in Chapter 11 - Agriculture and Rural Development and Chapter 22 - Regional Policy and Coordination of Structural Instruments and the closing benchmarks for Chapter 5 - Public Procurement, Chapter 10 - Information Society and Media and Chapter 33 - Financial and Budgetary Provisions;
24. Welcomes the current consolidation of ministries, acknowledges the efficiency and professionalism of the Icelandic administration and supports the overall objective of enhancing the administrative and coordination capacity of Icelandic ministries;
25. Welcomes further efforts to address the institutional shortcomings in the financial sector and the progress in strengthening bank regulatory and supervisory practices;
26. Taking account of the fact that both the Common Fisheries Policy and the Icelandic fisheries policy are currently being revised, calls on Iceland and the EU to approach this chapter of the negotiations in a constructive way with a view to reaching a mutually satisfactory solution for the sustainable management and exploitation of fisheries resources within the then applicable acquis;
27. Considers it important that preparations are made so that the necessary administrative structures are adequately adapted for Iceland's full participation in the CAP from the day of accession, while recognising the specificities of Icelandic agriculture with regard, in particular, to the country's present self-sufficiency in food and the ongoing process of reform of the Common Agricultural Policy;
28. Regrets that the recent meeting of the four coastal states, Iceland, the EU, Norway and the Faroe Islands, on the management of mackerel fisheries in the North-East Atlantic in 2012, ended without reaching an agreement, and encourages all coastal states to make a renewed effort to continue the negotiations aimed at reaching a resolution of the mackerel dispute, based on realistic proposals consistent with historical rights and the advice of the International Council for the Exploration of the Sea, which safeguard the future of the stock, protect and maintain jobs in the pelagic fishery and ensure a long-term, sustainable fishery; notes the Commission's proposal to put forward trade measures to combat unsustainable fishing practices;
29. Believes that Iceland, which draws almost all its stationary energy from renewable resources, can make 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; is also convinced that closer cooperation in this field can have a positive impact on investment and thus on the economic and employment situation in Iceland and the EU;
30. Notes, however, that 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;
31. Welcomes Iceland's continued support for civilian CSDP operations and its alignment with most declarations and decisions in the area of CFSP; emphasises that, as part of the pre-accession process, Iceland is expected to coordinate its positions with the EU in all international fora, including the WTO;

### **Regional cooperation**

32. Considers that Iceland's accession to the EU would significantly enhance the Union's prospects of playing a more active and constructive role in Northern Europe and in the Arctic, contributing to multi-lateral governance and sustainable policy solutions in the region, as challenges to the Arctic environment are of mutual concern; believes that Iceland could become a strategic bridgehead in the region and its accession to the EU would further anchor the European presence in the Arctic Council;

Wednesday 14 March 2012

33. Regards positively Iceland's participation in the Nordic Council, in the Council of the Baltic Sea States (CBSS) as well as in the Northern Dimension Policy, the Barents Euro-Arctic Council, the Arctic Council and the Nordic-Baltic co-operation (NB8); considers that the adoption of a Resolution on an Icelandic 'High North Policy', adopted by the Althingi in March 2011, reinforced Iceland's commitment to play an active part in the Arctic region in general;

34. 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 strengthen both the EU's voice in the Arctic and the North Atlantic dimension of the Union's external policies;

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35. 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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## Enlargement report for Bosnia and Herzegovina

P7\_TA(2012)0085

### European Parliament resolution of 14 March 2012 on the 2011 progress report on Bosnia and Herzegovina (2011/2888(RSP))

(2013/C 251 E/12)

*The European Parliament,*

- having regard to the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, signed on 16 June 2008 and ratified by all EU Member States and Bosnia and Herzegovina,
- having regard to Council Decision 2008/211/EC of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Bosnia and Herzegovina and repealing Decision 2006/55/EC <sup>(1)</sup>,
- having regard to Council Decision 2011/426/CFSP of 18 July 2011 appointing the European Union Special Representative in Bosnia and Herzegovina <sup>(2)</sup>,
- having regard to the Council conclusions on Bosnia and Herzegovina of 21 March 2011, 10 October 2011, and 5 December 2011,
- having regard to the Communication from the Commission to the European Parliament and the Council entitled 'Enlargement Strategy and Main Challenges 2011-2012' (COM(2011)0666) and to the 2011 Progress Report on Bosnia and Herzegovina adopted on 12 October 2011 (SEC(2011)1206),
- having regard to its resolution of 17 June 2010 on the situation in Bosnia and Herzegovina <sup>(3)</sup>,

<sup>(1)</sup> OJ L 80, 19.3.2008, p. 18.

<sup>(2)</sup> OJ L 188, 19.7.2011, p. 30

<sup>(3)</sup> OJ C 236 E, 12.8.2011, p. 113.

Wednesday 14 March 2012

- having regard to the Joint Statement of the 13th European Parliament - Parliamentary Assembly of Bosnia and Herzegovina Inter-parliamentary Meeting, held in Brussels on 19-20 December 2011,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the European Union continues to be strongly committed to a sovereign and united Bosnia and Herzegovina (BiH); whereas one of the EU's underlying policy objectives is to accelerate the country's progress towards EU membership and thus help improve the quality of life for the benefit of all citizens; whereas this progress requires functional institutions at all levels and commitment by the political leaders of the country;
- B. whereas the future of BiH lies in the European Union and whereas the prospect of EU membership is one of the most unifying factors amongst the people of the country;
- C. whereas the primary responsibility for a successful EU accession process lies with this potential candidate country and preparations should be primarily carried out by those who are elected by and responsible to the citizens and in line with a shared common vision on the country's pressing political, economic and social problems; whereas it is only as a single country that BiH has the prospect of EU membership and whereas the undermining of State institutions will deprive all citizens of the chance to gain the benefits of EU integration;
- D. whereas political party leaders have succeeded in agreeing in principle on a new State government, which has since been constituted following a political stalemate of some fifteen months;
- E. whereas the political and institutional deadlock has prevented the country from pursuing much-needed reforms aimed at bringing the country closer to the EU, in particular in key areas like state building, governance, rule of law implementation and the approximation of European standards; whereas the lack of a State government has also affected the capacity to adopt coherent economic and fiscal policies;
- F. whereas constitutional reform remains the key reform for the transformation of BiH into an effective and fully functional state;
- G. whereas in a country with different levels of governance strong coordination is required between the various actors and sincere cooperation is needed to enhance its ability to speak with one voice; whereas, however, no coordination mechanism can substitute for much-needed political will; whereas cooperation can lead to tangible results for the benefit of all citizens, as shown with visa liberalisation, although in many cases the necessary coordination is lacking;
- H. whereas the policy objectives of the reinforced EU Special Representative (EUSR) and Head of Delegation (HoD) are to offer the EU's advice and facilitate the political process, and to ensure the consistency and coherence of Union action;
- I. whereas the complex structure of the judiciary system with the absence of a State-level Supreme Court, the lack of harmonisation among the four internal jurisdictions, political interference in the judicial system and challenges to the competences of the State-level judicial agencies, undermine the functioning of the judiciary and hamper reform efforts;
- J. whereas the EU Police Mission, established in 2003, has been extended until 30 June 2012 with a view to the transition of future activities to funding by Community instruments and the establishment of a strategic advisory capacity in the area of law enforcement and criminal justice within the office of the EUSR;

**Wednesday 14 March 2012**

- K. whereas BiH is providing assistance with ongoing war crimes trials and appeals, and is cooperating in relation to transferred cases;
- L. whereas corruption continues to seriously plague the socio-economic and political development of the country;
- M. whereas trafficking in human beings is a serious crime and a gross violation of human rights; whereas BiH is a country of origin, transit and destination for trafficking in human beings, especially women and girls;
- N. whereas lack of job prospects, especially amongst young people, is hindering the progress of the country, contributing to social discontent;
- O. whereas cooperation with other countries of the region is a prerequisite for lasting peace and reconciliation within BiH and the Western Balkans;

**General remarks**

1. Welcomes the formation of the new State government, following an agreement of political party leaders on a range of important issues; calls for that agreement to be fully implemented by addressing outstanding issues including the adoption of the 2012 State budget and the appointments of Directors to State agencies; calls on the political elite to build on this positive development, which can give further impetus to the EU integration process, and re-engage in a constructive dialogue on other important reforms as well;
2. Is concerned about the limited progress achieved by BiH as a potential candidate country for EU membership on its path towards stabilisation and socio-economic development; takes the view, however, that progress is possible towards EU integration for the benefit of BiH citizens provided that determination, political responsibility, a culture of compromise and a shared vision of the country's future constitute the guiding principles for further actions; encourages the BiH authorities to take further concrete steps to put the country firmly back on track towards the EU;
3. Reminds all political actors in Bosnia and Herzegovina that reforms on the path towards EU integration are to benefit the people of BiH and that it is their responsibility vis-à-vis the citizens to reach compromises, to coordinate effectively, and to agree and implement reforms; recalls that a functioning State as well as a functioning State government and administration are also conditions for a successful application for EU membership; urges all political actors to undertake the necessary constitutional changes and pursue other key reforms as well as to focus on creating the conditions for the entry into force of the SAA; stresses that local ownership and political commitment are prerequisites for the success of any EU financial assistance; to this end, calls on the country's authorities to establish the necessary structure for the decentralised management (DIS) of the Instrument for Pre-accession Assistance (IPA); stresses the need to strengthen coordination mechanisms on the programming of future EU financial assistance, notably under the IPA programme;
4. Strongly believes that strengthening the central State does not mean weakening the Entities but creating the conditions for an effective central administration capable of preparing the entire country for EU accession in close collaboration between different layers of governance; therefore underlines the need to strengthen administrative capacities at all levels of governance dealing with EU-related matters as well as coordination between the respective authorities in the programming of EU financial assistance and in all sectors relevant for the transposition of EU legislation;
5. Condemns the use of inflammatory language and actions, which undermine the process of inter-ethnic reconciliation and the functioning of the State structures;

Wednesday 14 March 2012

**Enhanced EU presence**

6. Welcomes the EU's overall strategy towards BiH including the strengthening of the EU's presence in BiH by the creation of a reinforced EU representative acting under a double-hatted mandate as EUSR and HoD; commends the EUSR/HoD for supporting BiH on EU-related matters and facilitating a locally owned EU integration process; fully supports the EUSR/HoD in his ambitions to help BiH authorities in anchoring the EU agenda at the core of the political process by ensuring consistency, coordination and coherence of Union action; urges all political actors, in this respect, to work in close partnership with the EUSR; recalls the need to implement the enhanced EU presence by clear and comprehensive strategies on the various problems and at the same time by firm and coherent support from all EU Member States for the EUSR/HoD; notes, in this regard, that the EU must allocate sufficient means, including staffing to allow it to have a presence in the entire country, so that the EUSR/HoD can achieve the required objectives;

7. Invites the international community to consider the necessity of, and find solutions for, the implementation of the 5+2 Agenda of the Peace Implementation Council Steering Board to pave the way for the dissolution of the Office of the High Representative (OHR) in order to allow for more local ownership and responsibility for BiH's own affairs, bearing in mind that any such step should not impact negatively on the stability of the country or the pace and outcome of much-needed reforms; recalls that the BiH authorities must in this context resolve the outstanding issues of state property and defence property;

8. Notes with satisfaction the significant contribution of the EU Police Mission (EUPM) and EUFOR Operation Althea to the stability and security of BiH and considers them important elements of the EU's reinforced overall strategy for BiH; commends the accomplishments of the EUPM in contributing to the fight against organised crime and corruption by the BiH law enforcement agencies and judiciary; notes the agreement to close the EUPM by the end of June 2012; recalls the need for an orderly transition of EUPM's work to assistance projects financed by IPA as well as to a strategic advisory capacity in the areas of law enforcement and criminal justice in the office of the EUSR; welcomes Althea's executive military role in supporting BiH's efforts to maintain a safe and secure environment under a renewed UN mandate; underlines the need to further enhance the skills and professionalism of the BiH security forces with a view to strengthening local ownership and capacity;

**Political criteria**

9. Reiterates its position that the State should have sufficient legislative, budgetary, executive and judicial powers in order to be capable of meeting the EU accession criteria;

10. Welcomes the initiative on the Parliamentary Coordination Forum dealing with legislative matters of EU integration on different levels of governance, which should contribute to the European agenda becoming a national agenda; even though it has not yet been possible to reach an agreement on concrete constitutional amendments, considers the work of the Interim Joint Committee a significant step forward since for the first time BiH politicians have established an institutionalised way of discussing constitutional amendments without the presence of the international community, with the involvement of civil society and in an open and publicly transparent manner;

11. Is concerned that social dialogue remains weak and the consultation of social partners random; urges the BiH governments, on the level both of the entities and of the State, to strengthen the administrative capacity for cooperation with NGOs and provide further support for the development of civil society by raising their ambitions in terms of establishing a social dialogue with relevant partners; underlines that the rules for the recognition and registration of social partners need to be clarified and the State-level law on social partners' representativeness needs to be adopted;

**Wednesday 14 March 2012**

12. Notes that constitutional reform remains the key reform to transform BiH into an effective and fully functional state; calls on the parliamentary committee to come up with concrete proposals in this regard;
13. Reiterates its call for an agreement on and full compliance with the ECHR ruling in the Sejdić-Finci case and with Article 2 of the SAA requiring respect for democratic principles and human rights; recalls that besides the Sejdić-Finci case there is also a general need to modify the constitution in a way that allows for a more pluralistic, democratic and efficient mode of governance and state structure;
14. Calls on all competent authorities to facilitate the revision of their respective legislation and to ensure the establishment of an independent, impartial and effective judicial system in line with EU and international standards and in order to strengthen the rule of law for the benefit of all citizens; welcomes the fact that some progress has been made, via the structured dialogue on the judiciary, on creating a balance between State- and Entity-level judicial competences; urges the Government, however, to effectively implement the Justice Sector Reform Strategy and to prevent attempts to weaken State-level judiciary institutions such as the High Judicial and Prosecution Council (HJPC);
15. Reiterates its call for the possible establishment of a Supreme Court, and other strategic and structural issues related to the harmonisation of the four different legal systems of BiH, to be addressed consistently within the debate taking place in the framework of the Structured Dialogue on Justice; considers that, as indicated also in the Justice Sector Reform Strategy, these strategic matters should be discussed in a spirit of full responsibility in the context of a constitutional reform process;
16. Welcomes progress with a view to preparations for ending the international supervision of the Brcko District;
17. Welcomes the adoption of the Census Law by both Houses of the BiH Parliamentary Assembly, following the political agreement between party leaders; calls on BiH authorities to carry out the necessary technical preparations as a matter of urgency since this is not only a clear precondition for the prospect of EU accession but also essential for the socio-economic development of the country;
18. Reiterates in this regard the obligation to implement Annex VII of the Dayton Peace Agreement to ensure sustainable return and also fair, comprehensive and durable solutions for internally displaced people, refugees and other conflict-affected persons;
19. Calls on the BiH authorities to effectively investigate and prosecute corruption cases as well as to increase the number of convicted perpetrators; welcomes ambitions to launch an action plan to combat corruption in the civil service; underlines the need for increasing public awareness regarding anti-corruption legislation and practices as well as the necessity to implement a system that will allow citizens to report cases of corruption; also urges the government, if necessary with the assistance of the EU, to develop and implement special training programmes for police forces, prosecutors, judges and other relevant authorities that will increase their awareness and knowledge about anti-corruption legislation and practices;
20. Welcomes the appointment of the directors for the Agency for Prevention of Corruption and the Coordination of the Fight against Corruption and simultaneously underlines the pressing need to provide the necessary financial and human resources to ensure that this Agency becomes fully operational; encourages all efforts for the signing of an operational agreement with EUROPOL as soon as possible;
21. Is concerned by the small amount of progress in the area of money-laundering; urges the Parliament to adopt necessary legislative amendments that will, inter alia, improve the reporting of suspicious bank transactions, increase the seizure rates of criminally gained assets, and enhance the efficiency of relevant authorities; calls for the Financial Intelligence Department to be strengthened by increasing its investigative capacities; underlines the importance of establishing structures for the management and maintenance of seized assets;



Wednesday 14 March 2012

22. Notes that visa liberalisation has not resulted in an increase of asylum claims from citizens of Bosnia and Herzegovina in the Schengen Area and Bulgaria and Romania; commends the authorities for having established mechanisms at bilateral and multilateral level for cases where individual Member States have seen a temporary increase in asylum claims;

23. Calls on the BiH authorities to actively protect and promote the rights of all groups and individuals, who should be protected against direct or indirect discrimination and violence; notes with concern that the implementation of the anti-discrimination law remains weak and that the legal provisions fall short of what is needed; urges the government and parliament of BiH to bring the country's legal and institutional framework in line with EU and international standards on LGBT rights; calls on the BiH authorities to strengthen civil society and actively involve it in devising and implementing human rights policies;

24. Notes the progress achieved in implementing the Roma Strategy and action plans on housing and employment; calls for further efforts in these areas, as the Roma population continues to face discrimination and difficult living conditions;

25. Underlines the need to effectively combat trafficking in human beings in cooperation with the international community, to prosecute perpetrators, to provide protection and compensation to the victims and to raise awareness to prevent revictimisation by authorities and society; calls for enhanced cooperation and partnership between competent authorities across various policy areas and NGOs from the country and the region; calls for the awareness of BiH police forces regarding human trafficking to be raised through the development of special training courses; encourages the continuous support of the EU in the area of human trafficking, and asks for close cooperation on the matter between DG ELARG, DG HOME and the EU Anti-Trafficking Coordinator;

26. Recognises that the legal provisions guaranteeing women's rights and gender equality are in place, but is concerned that only limited progress has been made in this field; urges the BiH government to strive towards increased participation of women both in the political arena and the labour market; encourages the government, in addition, to increase support for activities and initiatives aimed at combating discriminatory customs, traditions and stereotypes that undermine women's basic rights;

27. Calls on the BiH authorities to combat extremism, religious hatred and violence in close collaboration with the international community; calls for awareness, investigation and elimination of extremist threats of any kind in the whole of the Western Balkan region;

28. Calls on the BiH authorities to strengthen independent and diverse media free of political interference and allow the media to report freely from all parts of the country; regrets the continued political pressure on the country's media as well as threats against journalists; urges, furthermore, that the issue of the high political and ethnic fragmentation and polarisation of the media be addressed;

### ***Dealing with war crimes***

29. Commends BiH authorities, at both State and Entity level, for responding promptly and adequately to requests by the International Criminal Tribunal for the former Yugoslavia (ICTY);

30. Urges all competent authorities to strengthen the capacities of the Prosecutors' Offices and Courts for dealing with war crimes across BiH, to reduce the large backlog of war crimes cases, to address the applicability of different criminal codes, which results in uneven convictions, and to accelerate progress in witness protection and in the implementation of the National War Crimes Strategy; emphasises that the process for the referral of war crimes cases from the State-level judiciary to other competent instances has to be guaranteed through the application of objective and transparent criteria; condemns any politically motivated attacks on the rulings of the BiH Court in war crimes cases; calls on BiH authorities to speed up prosecution in cases of sexual crimes committed during the war and to adequately ensure justice and reparation for the victims;

31. Welcomes the development of a strategy targeting the victims of war crimes of sexual violence to provide the victims directly with adequate reparation, economic, social and psychological support, including the highest attainable mental and physical health support services; calls on the BiH authorities to develop

**Wednesday 14 March 2012**

programmes and allocate adequate resources for the protection of witnesses; stresses in this connection the need to improve the coordination between the various judicial organs and to speed up prosecution procedures in cases of sexual war crimes committed during the war; calls on the Commission and other international donors to support the BiH authorities in this endeavour with financial resources and expertise targeting the victims of war crimes of sexual violence; notes that the Ministry of Human Rights and Refugees of BiH, supported by UNFPA, is entrusted with the task of developing the abovementioned strategy by setting up an expert working group; notes that the Republika Srpska (RS) was invited to nominate representatives from its competent ministries to participate, but has not done so to date; calls on the RS authorities to actively engage in this crucial effort to adopt and implement the strategy;

32. Is concerned that BiH still lacks a State-level detention facility that can accommodate prisoners convicted of serious offences, including war-related crimes; welcomes the capture of Radovan Stanković, the fugitive who escaped from Foča prison after having been convicted by the State Court of Bosnia and Herzegovina and sentenced to 20 years' imprisonment for crimes against humanity, including rape, enslavement and torture;

33. Calls on the BiH authorities to promote and complete the sustainable return of refugees and internally displaced persons as well as to adopt a relevant strategy; strongly encourages local authorities to ensure the infrastructure for successful return; encourages the BiH authorities to pursue further efforts on the implementation of the Sarajevo Declaration Process on refugees by addressing key challenges such as provision of health care, employment and social services;

34. Recalls in this context the importance of fully implementing the Mine Action Strategy; underlines the need for a future law on anti-mine actions to adequately address fundraising responsibilities, administrative and management capacity and coordination of demining measures, as stressed by the Commission;

35. Notes the ruling of the Constitutional Court of BiH that the Law on Citizenship is in breach of the Constitution; reiterates the call of the Constitutional Court to the Parliamentary Assembly to amend the Law within half a year; calls for the implementation of the Court judgement as a matter of urgency;

### **Education**

36. While noting some progress in improving the general framework for education, calls on the new Government inter alia to improve coordination amongst the 13 ministries of education and the Department for Education in the Brcko district, reduce the fragmentation of the educational system and make schools more inclusive;

37. Considering the vital role of education in creating a tolerant multi-ethnic society, urges all governments in BiH to promote an inclusive, non-discriminatory education system, and to eliminate the segregation of different ethnic groups (two schools under one roof) by developing common education programmes and integrated classes across the country; calls on the Commission to examine if targeted EU support could assist in ending the segregated education system;

38. Urges the new Government and the competent authorities at entity, cantonal and Brcko District level to step up the action plan on the educational needs of Roma and ensure adequate financial resources for its implementation; calls on the BiH authorities to find ways for the registration at birth of all Roma children in order for them all to be able to enrol in school;

39. Stresses the need to improve the overall quality of education meeting the needs of the labour market; calls on the BiH authorities to address the deficiencies of vocational training in order to attract foreign direct investment as well as to ensure, for reasons of economic necessity among others, that the accreditation of education institutions starts and the agencies dealing with the recognition of degrees and diplomas become fully operational;

40. Urges the new government to initiate the necessary steps so that the relevant stakeholders in BiH take the opportunity at last to participate in the educational mobility programmes of the European Union, which have been open to them since 2007;

Wednesday 14 March 2012

41. Calls on the authorities to shed light on the legal framework for cultural institutions such as the National Museum, the National Library and the Museum of History and to make sure that these institutions are preserved;

#### ***Economic and social issues***

42. Notes worsening living standards with increasing unemployment, in particular among young people aged between 18 and 24; strongly believes that economic prosperity and the prospect of jobs, especially for the young, are crucial for the further development of the country; invites the new Government to accelerate economic growth which has been hampered by the cumbersome governing structure, excessively large and expensive government bureaucracies, and long-standing problems with organised crime and corruption;

43. Encourages state and business leaders to pursue all efforts to restore investors' confidence and to create a business-friendly environment since BiH has fallen to last place in the region as regards investment climate;

44. Welcomes the implementation of the Small Business Act and the efforts of the Council of Ministers and the Entities to provide financial support measures to small and medium-sized enterprises (SMEs); also underlines the need for the immediate setting up of a State-level register for the production of business statistics and a single SME registration system for the entire country that will facilitate the proliferation of SMEs;

45. Urges the new Government and the Entity governments to address in a coordinated manner the impact of the economic crisis, to sustain sound fiscal policies as well as to adopt the 2012 State budget and the General Fiscal Framework for 2012-2014; considers it important to accelerate the pace of economic restructuring in particular in the Federation; calls on the government to ensure an appropriate budget for the upcoming 2012 municipal elections;

46. Urges the new government to focus its efforts on the reforms necessary for the accession of BiH to the World Trade Organisation in order to promote an even more positive business climate and foreign investment;

47. Reiterates its call on all those involved to work towards completing the single economic area across the country by strengthening economic policy coordination between the Entity governments, removing obstacles to an adequate legal framework and generating countrywide competition;

48. Welcomes the adoption of the Law on State Aid by both Houses of the BiH Parliamentary Assembly; notes that this law is one of the requirements for allowing the SAA to enter into force; calls upon the authorities to adopt the implementing rules of this law in line with the acquis;

49. Invites the new Government to develop an efficient and sustainable social protection system as well as to improve the targeting of social benefits; calls on the BiH authorities to make a firmer commitment to employment policies, social cohesion and gender equality; considers it essential to improve coordination between the education and labour market sectors in order to better meet the needs of the labour market;

50. Calls on the State and Entity Governments to remove the obstacles which contribute to the low labour mobility in the country by harmonising the provisions of the different labour legislations and pension and social security systems between the Entities and also between Cantons, thereby encouraging wider mobility and transferability of benefits across the country;

51. Underlines that BiH has ratified the major labour rights conventions of the International Labour Organisation (ILO) as well as the revised European Social Charter; draws attention to the fact that labour and trade union rights still remain limited and calls on the BiH government to further enhance these rights and work towards the harmonisation of the legal framework in this regard across the country;

52. Calls upon the Commission to propose a detailed road-map to enhance mobility and access for students, trainees and workers to the labour market and the educational services in the European Economic Area, including programmes for circular migration for work;

Wednesday 14 March 2012

**Regional cooperation**

53. Commends BiH for its proactive role in the Sarajevo Declaration Process as well as in the adoption of the Joint Declaration of the Foreign Ministers of BiH, Serbia, Croatia and Montenegro on ending the resettlement and providing lasting solutions for vulnerable refugees and internally displaced persons;

54. Welcomes the efforts to solve outstanding issues between BiH, Serbia and Croatia, and is pleased that these efforts have intensified in the last few months; encourages all parties, including BiH authorities, to pay special attention to bilateral and regional cooperation in the field of justice and security;

55. Calls on BiH - while noting that BiH and Serbia have established good neighbourly relations - not to postpone the signing of the protocol on the exchange of evidence in war crime cases and to establish closer cooperation in this sensitive area; welcomes, however, the bilateral agreement between BiH and Serbia on cooperation concerning the exchange of information in the fight against organised crime, smuggling and trafficking of drugs, human organs, illegal migration and terrorism;

56. Calls on the BiH government and the neighbouring countries to do everything possible to resolve border disputes with their neighbours, either through bilateral agreements or through other means; stresses that bilateral issues need to be solved by the parties concerned, with determination, in a good neighbourly spirit and taking into account overall EU interests;

57. Invites the BiH authorities - given that Croatia's accession to the EU will also have bilateral implications - to make all possible efforts to align relevant BiH legislation, at the respective levels of government, with EU legislation in the fields of veterinary, phytosanitary and food safety as well as to upgrade or construct the necessary infrastructure at a number of border crossings with Croatia to facilitate border controls required by the EU;

58. Is concerned that BiH is the only country in the region not allowing the entry of Kosovo citizens into BiH; urges therefore the BiH authorities to accept the necessary travel documents of Kosovo citizens to enter the country, as is done by Serbia and also by other countries;

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59. Instructs its President to forward this resolution to the High Representative/Vice-President of the Union for Foreign Affairs and Security Policy, the Council, the Commission and the governments and parliaments of Bosnia and Herzegovina and its Entities.

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Thursday 15 March 2012

## Competitive low carbon economy in 2050

P7\_TA(2012)0086

### European Parliament resolution of 15 March 2012 on a Roadmap for moving to a competitive low carbon economy in 2050 (2011/2095(INI))

(2013/C 251 E/13)

The European Parliament,

- having regard to the Commission Communication ‘A Roadmap for moving to a competitive low carbon economy in 2050’ (COM(2011)0112) and the accompanying working documents (SEC(2011)0288) and (SEC(2011)0289),
  - having regard to the Commission Communication ‘Analysis of options to move beyond 20% greenhouse gas emission reductions and assessing the risk of carbon leakage’ (COM(2010)0265) and the accompanying document (SEC(2010)0650),
  - having regard to the proposals to recast (COM(2011)0656) and amend the Markets in Financial Instruments Directive (MiFID) (COM(2011)0652) and the Market Abuse Directive (MAD) (COM(2011)0651) with regard to emission allowances under the EU’s ETS,
  - having regard to the conclusions of the European Council meeting of 23 October 2011,
  - having regard to the EU climate and energy package,
  - having regard to Article 9 TFEU (the ‘social clause’),
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Industry, Research and Energy and the Committee on Agriculture and Rural Development (A7-0033/2012),
- A. Whereas some 90 parties to the United Nations Framework Convention on Climate Change, including emerging economies, which are collectively responsible for more than 80 % of global emissions, have made unilateral declarations of quantified economy-wide emission reduction objectives, albeit not legally binding;
- B. whereas the European Parliament and the European Council have declared their ambition to secure an 80 to 95 % level of reduction in greenhouse gas emissions by 2050;
- C. whereas the European Union must agree specific targets for emission reductions to provide the basis and framework for the necessary legislative acts and other measures;
- D. whereas the Roadmap demonstrates that the current 20 % climate target, of which more than half could be achieved through non-domestic offsets, is not on a cost-effective pathway towards a 80 % reduction in 2050 as compared to 1990; whereas 80 % is on the low end of the 80-95 % range which the IPCC considered necessary for industrialised countries, and which the European Council adopted as the EU target for 2050;
- E. whereas industry needs to have a clear picture of the EU’s low-carbon strategy, which must also be backed up by regulatory certainty, ambitious targets and well-designed funding mechanisms, with a view to making long-term green investments;

Thursday 15 March 2012

- F. whereas it is in the interests of Member States to reduce their dependence on foreign energy suppliers, especially from politically problematic countries;
- G. whereas the International Energy Agency has calculated that four-fifths of the total energy-related CO<sub>2</sub> emissions permitted up to 2035 by the 450 Scenario are already locked in by existing capital stocks;
- H. whereas it is necessary to assess and act against the risk that, in the absence of sufficient global efforts, domestic action will lead to a shift in market share towards less efficient installations elsewhere, thereby resulting in increased emissions globally, i.e. in carbon leakage;
- I. whereas the Stern report estimates that the costs of non-action in climate protection will be equivalent to losing at least 5 % of global GDP per annum;
- J. whereas the production and consumption of biomass as an energy source are not, by definition, carbon-neutral;
- K. whereas the social aspects need to be taken into account, by means of the 'social impact assessment' instrument,
1. Recognises the benefits to Member States, and, where appropriate, to their regions, of developing a low carbon economy; therefore endorses the Commission's Roadmap to a competitive low carbon economy in 2050, together with its trajectory, the specific milestones for domestic emission reductions of 40 %, 60 % and 80 % for 2030, 2040 and 2050 respectively, and the ranges for sector-specific milestones, as the basis for proposing legislative and other initiatives on economic and climate policy; recognises that the trajectory and milestones are based on PRIMES modelling with a view to preparing the necessary legislative and regulatory instruments;
  2. Calls on the Commission to set interim greenhouse gas emission reduction for 2030 and 2040, including concrete objectives for each sector, together with an ambitious timetable;
  3. Invites the Commission to bring forward within the next two years the measures necessary to achieve the 2030 objectives, taking into account particular national capacities and potentials, as well as international progress on climate action;
  4. Considers that measures should be implemented in a coordinated, cost-efficient and effective way, allowing for the specific characteristics of Member States;
  5. Calls for greater consistency among Community programmes and policies in order to achieve the Roadmap's objectives and ensure that its priorities are fully integrated in the new 2014-2020 Multiannual Financial Framework; acknowledges that delivering the 20 % energy efficiency target would allow the EU to reduce its internal CO<sub>2</sub> emissions by 25 % or more by 2020, and that this reduction would still be on a cost-effective path towards the long-term 2050 target of reducing greenhouse gas emissions by 80-95 % from 1990 levels; notes that, according to the Roadmap, a less ambitious approach would result in significantly higher costs over the entire period; recalls, however, that the cost-effectiveness of investments should always be measured in the light of Member State budgets;
  6. Recalls that in the run-up to the Durban Climate Conference, the European Parliament called for the CO<sub>2</sub> reduction target to be increased above 20 % by 2020;
  7. Stresses that clear emissions targets will stimulate the early investments needed in R&D, demonstration and deployment for low-emitting technologies, and that defining a long-term strategy is paramount to ensuring that the EU is on track to achieve its agreed objective of reducing emissions by 2050;
  8. Calls on the Commission to present a cost-benefit analysis of meeting the proposed pathway at Member State level, taking into account national circumstances stemming from different technological development, as well as the necessary investments (and the attendant social acceptability) and the existence of a wider range of possible global conditions;

Thursday 15 March 2012

9. Underlines that moving to a low carbon economy would have significant potential for creating additional jobs, while securing economic growth and providing a competitive advantage for European industry;

10. Recalls that the transition to clean technologies would drastically reduce air pollution and thus ensure significant health and environmental benefits

#### ***The international dimension***

11. Notes that the worldwide development and application of low carbon technologies is increasing rapidly, and that it is essential for Europe's future competitiveness to increase levels of investment in research, development and application in relation to these technologies;

12. Notes the shift in sustainable scientific and technological innovation away from Europe to other parts of the world, which may lead to the EU losing its technological leadership in the field and turn it into a net importer of these technologies and the related finished products; emphasises, therefore, the importance of European added value for the development and domestic production of technologies and products, in particular for energy efficiency and renewables;

13. Emphasises that China is the world leader in terms of installed wind farm capacity, that Chinese and Indian producers are among the top ten wind turbine producers, and that China and Taiwan currently manufacture most of the world's photovoltaic panels; calls on the Commission and the Member States to take steps to promote the eco-efficient development and production in the EU of these technologies and of the new and innovative technologies that are needed to achieve the ambitious targets for the reduction of greenhouse gas emissions;

14. Calls on the EU to continue to play an active role in the international negotiations to finalise an ambitious, comprehensive and legally binding agreement; notes the importance of the EU demonstrating its convictions and acting as a role model in demonstrating the benefits and viability of the low carbon economy; welcomes the outcome of the Durban conference in agreeing a clear timeline for drafting an international post-2012 agreement and the acceptance that large emitters, whether they be developed or developing economies, must adopt ambitious and sufficient targets for the reduction of greenhouse gas emissions;

15. Stresses that the EU must continue to act constructively in global climate negotiations, and that European climate diplomacy needs to be further developed under the umbrella of the EEAS;

16. Points out that the main challenge for a sustainable low carbon economy is to ensure that climate change policies are integrated into all key fields of activity relating to energy, transport, agriculture, education, innovation, etc;

17. Stresses that delaying global and European climate action would result in higher costs, not only for achieving the 2050 target due to stranded investment in high-carbon capital stock and slower technological learning, but also in terms of losing an innovative leading role for the EU in research, job creation and guidance for a greener sustainable economy; points out, furthermore, that delayed action for 2020 will result in reduced abatement potential for 2030 and beyond;

18. Reiterates that cumulative emissions are decisive for the climate system; notes that even with a pathway of 30 % reductions in 2020, 55 % in 2030, 75 % in 2040 and 90 % in 2050, the EU would still be responsible for approximately double its per capita share of the global 2°C compatible carbon budget, and that delaying emissions reductions increases the cumulative share significantly;

19. Recalls that limiting the raise of global temperature to an average of 2°C does not guarantee avoiding significant adverse climate impacts;

Thursday 15 March 2012

### ***The Emissions Trading System***

20. Recognises that the EU Emissions Trading System (ETS) is the principal instrument, although not the only one, for reducing industrial emissions and promoting investment in low carbon technologies; notes that further improvement of the ETS is necessary; calls on the Commission and the Member States to complement the EU ETS with a technology- and innovation-based approach in order to secure the significant reductions needed;

21. Notes that the EU ETS is functioning as designed, and that the lower carbon price is a result of reduced economic activity and available allowances far exceeding demand; expresses concern that the lack of stimulus for low carbon investments and greater energy efficiency risks putting the EU at a disadvantage towards its industrial competitors; acknowledges reports that the carbon price is not expected to increase in the absence of much higher growth or adjustment to the ETS;

22. Recognises the fact that current carbon price will not incentivise investments in low carbon technologies and thus will have a very limited role in driving emission reductions, while risking to lock the EU into carbon-intensive infrastructures for the decades to come;

23. Stresses that climate change mitigation and adaptation policies cannot rely solely upon market-based mechanisms;

24. Recognises that the ETS is experiencing problems not originally anticipated, and that the accumulating surplus of allowances will depress the incentive to promote low carbon investments for many years to come; notes that this endangers the effectiveness of the ETS as the EU's principal mechanism to reduce emissions in a manner that creates a level playing field for competing technologies, gives companies flexibility to develop their own mitigation strategy, and provides for specific measures to combat carbon leakage. Calls on the Commission to adopt measures to correct the failings of the ETS and to allow it to function as originally envisaged. These measures may include:

- (a) presenting as soon as possible a report to Parliament and the Council which shall examine, amongst others, the impacts on incentives for investments in low carbon technologies and the risk of carbon leakage. Before the start of the third phase, the Commission shall, if appropriate, amend the regulation referred to in article 10(4) of Directive 2003/87/EC in order to implement appropriate measures which may include withholding the necessary amount of allowances;
- (b) proposing legislation at the earliest appropriate date to modify the 1.74 % annual linear reduction requirement so as to meet the requirements of the 2050 CO<sub>2</sub> reduction target;
- (c) undertaking and publishing an assessment of the value of establishing a reserve price for the auction of allowances;
- (d) taking steps to increase the input of relevant information and the transparency of the ETS registry, so as to enable more effective monitoring and evaluation;
- (e) further improving the use of offset mechanisms, for example by limiting access to offsets that subsidise Europe's industrial competitors, as in the area of HFCs;
- (f) ensuring nonetheless that none of these measures have the effect of reducing the level of allowances for sectors that may be prone to carbon leakage according to the Benchmark-Decision (Commission Decision 2011/278/EU);

25. Notes that these measures will increase the auctioning revenue for Member States, reminds governments that there is no limit on the proportion of such money that can be spent on climate-related purposes, and recommends that the sums concerned be used to spur low-carbon investment in industry or to encourage other means of job creation, e.g. reducing taxes on labour;



Thursday 15 March 2012

26. Calls on the Commission to put forward proposals by the end of 2013 for extending, to those energy-intensive industries that face only minimal threat from overseas competition, the requirement that allowances be purchased through auction;

27. Acknowledges that, in order to achieve the targets of the Low Carbon Roadmap, the Effort Sharing Decision (Decision No 406/2009/EC of the European Parliament and of the Council) will have to be adjusted;

#### ***Carbon leakage***

28. Calls on the Commission to publish details of the EU's real contribution to reducing global CO<sub>2</sub> emissions since 1990, taking into account its consumption of products now manufactured elsewhere;

29. Insists that the transition to a low-carbon economy should be underpinned by a reasonable and measured regulatory approach; affirms that administratively and financially burdensome environmental compliance has a significant impact on employment and output in energy-intensive sectors, and increases the risk of carbon leakage, while also forcing businesses and therefore jobs out of the EU;

30. Concurs with the Commission's view that border adjustment measures or measures including imports in the ETS would need to be combined with full auctioning to the sectors concerned; calls on the Commission to produce an analysis of sectors for which free allocation of allowances fails to prevent carbon leakage;

31. Calls on the Commission to provide Member States with guidance for the adoption of any measures intended to compensate industries proven to be exposed to a significant risk of carbon leakage for indirect costs relating to greenhouse gas emissions as foreseen in the directive as soon as possible;

32. Calls on the Commission to produce an analysis of the absence of the geographical criterion in the carbon leakage assessment for the electricity market in south-east Europe;

33. Notes the roadmap's conclusion that the power sector should decarbonise almost completely by 2050 (93-99 % emissions reduction); recognises that, from an EU industrial perspective, first movers on low-emission technologies have a competitive advantage in today's and tomorrow's low-carbon world; notes that emissions reductions should therefore be achieved in a way which does not harm the EU's competitiveness and addresses the risk of carbon leakage, especially in energy-intensive sectors;

#### ***Energy efficiency***

34. Recalls the existing assessments which indicate that improving energy efficiency and reducing energy use by 20 % compared to 2020 projections is not currently on track; calls for rapid action, greater ambition and stronger political commitment in terms of achieving the 2020 targets and looking beyond 2020, thus attracting appropriate investment; endorses the conclusion in the Commission's roadmap that energy efficiency policies are key to further reducing carbon emissions; considers, therefore, that binding targets should not be excluded; stresses that energy efficiency measures lead to job creation, economic savings, and increased security of supply and competitiveness; welcomes in this regard the priorities set by the proposed Energy Efficiency Directive for increasing energy efficiency in all sectors, and particularly in buildings through the renovation of existing building stock, focusing on a target for the renovation of public buildings; calls for an increase in resources and measures to mobilise new sources of funding at European and national level, including through new financing instruments; highlights the importance of private investment in order to overcome the current budgetary constraints in the public sector;

35. Deplores the lack of measures to capture the negative-cost greenhouse gas reduction potential in energy and resource efficiency, and calls for acceleration of the work under the Ecodesign Directive (2009/125/EC), for strict application of the least life-cycle cost principle or for implementing measures to be set at the level of the best performers, as well as for minimum requirements also to be set for non-electrical products;

Thursday 15 March 2012

36. Calls for work under the Eco Design Directive to include heating equipment, boilers and insulating materials that can facilitate reductions in energy and resource use while enabling greater recycling, as well as for the extension and development of labelling requirements that can assist consumers in making informed decisions;

37. Stresses the need to update the Energy Efficiency Action Plan with binding targets including a full range of genuine, quantified measures across the energy supply chain;

38. Considers that energy efficiency is the most effective instrument for upgrading industrial technological innovation and contributing to overall emissions reduction in an economically efficient way while stimulating job growth; calls on the Commission, therefore, to support efforts made by Member States to promote energy efficiency by putting in place stable long-term incentives schemes to promote technologies which are most effective from a cost-benefit perspective; believes that in order to achieve the 2020 energy efficiency objective an adequate degree of harmonisation of European efficiency standards should be guaranteed;

39. Reiterates the importance of providing incentives for public and private investments geared to designing and developing easily replicable technologies so as to improve the quality of energy saving and efficiency;

40. Calls on the Commission, when promoting energy efficiency, to establish specific measures in order to tackle the reverse incentives that occur between the consumers and the distributors of energy;

41. Calls on the Commission to introduce a long-term target for the reduction of energy consumption of the EU building stock by 2050;

42. Draws attention to the fact that the EU and the Member States have not invested sufficiently in measures to reduce CO<sub>2</sub> emissions or to increase energy efficiency in the fields of construction and transport; calls on the Commission and the Member States to allocate increased funding to measures to increase the energy efficiency of buildings and of centralised urban heating and cooling networks, both in the context of the review of the current Financial Perspective and under future Multiannual Financial Frameworks;

### ***Renewable energy***

43. Calls on the Commission to develop a biomass supply policy to encourage sustainable biomass production and use; emphasises that this should include sustainability criteria for different biomass taking into account lifecycle carbon profiles of different sources, with priority being given to securing first value from biomass raw materials rather than their use for energy; insists that meeting the EU's biofuels target must not adversely affect food and feed production or lead to a loss of biodiversity;

44. Calls, therefore, on the Commission to follow a broader approach on the issue of ILUC and to promote adequate protection of the environment in third countries affected by land use change bilaterally and multilaterally in order to take account of the greenhouse gas emissions attributable to changes in land use patterns; this could be achieved through the introduction of additional sustainability requirements on certain categories of biofuels imported from third countries;

45. Emphasises the importance of new technologies in the development of renewable energies and the production of bioenergy, and stresses that the EU needs to harness every available innovation in order to achieve its objectives for the reduction of CO<sub>2</sub> emissions;

Thursday 15 March 2012

46. Underlines the important role of renewable energy, including innovative developments in this field, and the urgent need for better solutions as regards storage, increasing energy efficiency and ensuring efficient energy transmission, including appropriate infrastructure measures; recognises the significant progress achieved by Member States in the development of renewable sources of energy since binding targets were set for 2020; draws attention to the importance of continuing this approach and setting further binding renewable energy targets for 2030, taking into account the possibility and macroeconomic impact of doing so; points out that such action will help achieve the 2050 objectives, give industry the investment certainty it requires, significantly reduce greenhouse gas emissions, create employment, promote the EU's energy independence, and foster technological leadership and industrial innovation; stresses that meeting the targets set in the national renewable energy action plans is crucial for the achievement of the overall EU targets for 2050; considers that the Commission should take measures if national targets are not met;

47. Stresses the need for the Commission to ensure that adoption of such targets does not reduce the incentives for investment in other forms of low-carbon power generation;

48. Calls on the Commission, when publishing by the end of 2012 its required report on the progress being made by all Member States towards meeting their legal requirements regarding renewable energy production, together with an assessment of whether the 2020 targets will be met, to propose a programme of actions that will be undertaken in order to promote compliance by Member States not presently on course to fulfil the requirements;

49. Recalls that electricity grids will have to be upgraded and developed, in particular to transport renewable energy produced in areas with major potential, such as offshore wind energy in the North Sea and solar energy in southern Europe, and to accommodate the decentralised production of renewable energy;

50. Stresses that increasing resource efficiency through, for instance, waste recycling, better waste management and behavioural change plays a very important role in the pursuit of the EU's strategic objectives for CO<sub>2</sub> emissions reduction;

51. Notes that, with the knowledge and techniques available today, agricultural holdings can already become self-sufficient in energy, with the possibility of both increasing profitability and creating environmental gains through the local production of bioenergy from organic waste;

52. Notes that, for reasons of resource efficiency, farmers should be encouraged to make better use of the potential of biogas and biogas byproducts in terms of replacing fertilisers;

53. Emphasises, to this end, the importance of manure processing, which not only provides renewable energy but also reduces environmental pressure and is a substitute for artificial fertiliser in the form of mineral concentrates; emphasises in this respect that if manure is to be considered as an energy source, it is essential that processed manure be recognised as a substitute for artificial fertiliser in the Nitrates Directive;

54. Stresses the need to improve energy self-sufficiency on farms, through incentives for on-farm renewable energy, such as wind turbines, solar panels and biofermentation technology, which would reduce production costs and increase economic viability by providing an alternative income stream for farmers;

### **Research**

55. Calls on the Commission to ensure that Horizon 2020 and the European Innovation Partnerships under the Innovation Union prioritise the need to develop all kinds of sustainable low carbon technologies, in order to spur EU competitiveness, promote green job opportunities and bring about a change in consumer behaviour;

Thursday 15 March 2012

56. Stresses that increased research efforts and funding are urgently needed to develop and mainstream climate-efficient agricultural practices, less energy-intensive and less polluting agricultural methods and more efficient energy production; notes, furthermore, that low-pollution and energy-efficient alternatives already exist; considers research and development in this area to be an essential part of full implementation of the strategic energy technology plan, and that this calls for additional investment; emphasises that it is necessary to ensure, in this connection, that the results of research are translated into practice at the level of holdings; welcomes the Commission's proposal to establish a new research framework (Horizon 2020);

57. Calls for budgetary support to be consistent with the €50 billion needed from public and private sources to fully implement the SET plan;

58. Underlines the importance of R&D for the development of low-emission and energy-efficient technologies; calls on the EU to take a leading role in research into climate-friendly and energy-efficient technologies, and to develop close scientific cooperation with its international partners, with a special emphasis on clean and sustainable technologies which will deliver for 2020 under the SET-Plan (the EU's flagship initiative for low-carbon technologies); emphasises that funds for all types of energy research under the Horizon 2020 initiative must be increased, particularly those for renewable energy; recalls that current financial allocations in the energy area represent only 0.5 % of the EU budget for 2007-2013, and that this is not in line with the EU's political priorities;

#### ***Carbon capture and storage***

59. Recognises the importance of applying CCS technology, where feasible, if the carbon emission reduction goals are to be achieved at the least possible cost, and acknowledges that procedural delays and financial shortfalls, as well as lack of commitment on the part of certain Member States, are likely to delay achievement of the European Council's ambition of having up to 12 CCS demonstration projects in operation by 2015; calls on the Commission to publish a CCS Action Plan; recognises that CCS will not be appropriate in all circumstances, even by 2050, and may well be limited to large installations and the avoidance of industrial process emissions; calls for support on breakthrough technologies in other areas in order to increase energy efficiency and lower energy consumption, and provide solutions outside the CCS framework;

60. Calls on the Commission to propose that unspent funds for CCS projects within the European Economic Recovery Programme be reallocated towards alternative CCS demonstration projects;

#### ***National and sector-specific roadmaps***

61. Notes that the Cancún agreement foresees that all developed countries shall develop low-carbon strategies;

62. Welcomes the production of low-carbon strategies by some EU Member States, but calls on all to produce such strategies no later than July 2013; insists that the Commission should introduce legislative proposals to require their preparation if by the end of 2012 all Member States have not made such a commitment;

63. Calls on the Commission to evaluate the adequacy of such plans with regard to contributing to the Cancún objective of holding the increase in global average temperatures below 2 deg C above pre-industrial levels;

64. Calls on the Commission to ensure that national and sector-specific roadmaps are subjected to independent scrutiny in order to assess whether full account has been taken of the potential use of best available technology, and that proposed costs accord with understood practice;

65. Expects the Commission to take roadmaps fully into account when preparing policy initiatives, and also to highlight instances where industry sectors have not prepared such action plans;

Thursday 15 March 2012

66. Calls on the relevant industry groups to prepare sector-specific roadmaps that will set out how EU low-carbon objectives can best be realised, including the levels of investment required and the sources of funding to be utilised;

67. Expects the Commission and the Member States to support those sectors that have made roadmaps to further develop the initiatives and partnerships that follow from them, for the development of breakthrough technologies to decarbonise the energy-intensive industries concerned;

68. Calls on the Commission to update the 2050 roadmap and forecasting every 3-5 years, and to integrate the sectoral, regional and Member State roadmaps into the updated version of its own roadmaps, the models and methodologies used for that purpose being fully transparent;

69. Stresses that a much more efficient use of resources is essential for achieving a low-carbon economy; therefore urges Member States to develop or strengthen existing resource efficiency strategies and mainstream these into national policies for growth and jobs by 2013;

#### **Power generation**

70. Recalls that world primary energy demand will increase by more than 30 % up to 2035, thereby increasing global competition for energy resources;

71. Maintains that Member States should have the widest possible means of achieving low-carbon electricity generation (including renewable energy sources, nuclear power, use of carbon capture and storage technology, and sustainably produced biomass), and that none should be excluded from the range of options available to meet the requirements;

72. Calls on the Commission to be particularly vigilant as regards any leakage of energy production outside the EU ETS, paying attention to Member States with interconnections to countries outside the EU;

73. Calls on the Commission to assess the effectiveness of mechanisms that enable sound operation of the electricity market in a low carbon economy, and if necessary to submit legislative proposals for the closer integration of crossborder electricity markets and for other measures to address the need to determine the balance and availability of generation capacity;

74. Calls on the EU to commit itself to the decarbonisation of the energy sector by 2050;

75. Invites the Member States and the Commission to invest more in the energy infrastructure necessary for the transition to a sustainable economy; emphasises that Europe should be at the cutting edge in the development of standards and interoperable energy-related Internet technologies and energy-efficient ICT applications, in particular smart grids, the full and timely deployment of smart home systems such as smart meters designed to benefit the consumer, and modernising and developing an interconnected European electricity supergrid and LNG infrastructures; emphasises, with regard to interregional connections, the need to launch an investment plan based notably on the European Energy Infrastructure Package, so as to secure the diversification of energy supply sources; calls on the Commission to propose practical solutions for the efficient integration of large amounts of renewables by promoting market rules that allow for efficient and transparent international power exchange; calls, therefore, for the swift integration and uptake of cross-border electricity markets; recognises the urgent need for a long-term vision, given the many years required to build energy infrastructure with a long lifetime; welcomes the focus on energy infrastructure in the proposed Connecting Europe Facility;

76. Draws attention to the fact that the current 20 % target is based on the contribution made by nuclear power to the energy mix in number of Member States; notes that the IEA's World Energy Outlook 2011 includes a 'lower-nuclear' case according to which the projected increase in worldwide CO<sub>2</sub> emissions from the power sector would be substantially higher in the medium term due to an increased use of fossil fuels; reiterates that the decision by some Member States to shut down some existing nuclear reactors must not

Thursday 15 March 2012

serve to justify reducing the level of ambition of their current climate policies; points out that, according to the IEA, achieving the 2°C goal would require faster development and deployment of CCS technologies in both coal- and gas-fired power plants; notes, however, that CCS technology is still at the testing and pre-commercial stage, so alternative scenarios also need to be considered, such as high renewables and energy efficiency scenarios; thus calls for increased support for the development and application of breakthrough technologies in order to increase energy efficiency and decouple economic growth from energy consumption;

77. Considers that the achievement of these objectives by 2050, without prejudging Member States' own energy mixes, could lead to a reduction in consumption, increased security and reliability of energy supply and the containment of energy price volatility, thus providing fair and competitive energy prices for consumers and businesses and improving the EU's competitiveness and employment growth;

### **Industry**

78. Insists that EU support for the 'green economy' should recognise the importance of investment by existing industries used to significantly improve the efficiency of resource use and reduce CO<sub>2</sub> emissions and to reach the EU 2020 Strategy targets on green jobs creation; underlines that a greener economy should support competitiveness and innovation in all sectors by focusing on areas where improvements are more economically efficient and more environmentally effective;

79. Calls on the Commission to explore innovative financial instruments for investment in a low-carbon economy;

80. Calls on the Member States and the Commission to support the creation of innovation clusters in order to develop regional and national solutions;

### **Transport**

81. Endorses the requirement of the Commission Roadmap to a Single European Transport Area to reduce greenhouse gas emissions from transport by 60 % by 2050 compared to 1990 levels in the EU; furthermore, calls on the Commission to come forward with interim emissions reduction targets for the sector in order to ensure that sufficient action is taken at an early stage;

82. Welcomes the progress made by vehicle manufacturers in reducing CO<sub>2</sub> emissions from passenger cars since 2007, and stresses the importance of accelerating further fuel efficiency improvements; affirms that in preparing its forthcoming review the Commission should be proposing ways of ensuring that average CO<sub>2</sub> emissions by new cars meet the agreed 2020 target of not more than 95g/km by 2020; calls on the Commission to increase dialogue and cooperation with the International Maritime Organisation so as to ensure inclusion of the shipping sector in CO<sub>2</sub> reduction commitments;

83. Recalls that the Commission was required to evaluate the progress of the IMO on emissions from shipping by 31 December 2011, pursuant to Directive 2009/29/EC; calls on the Commission to include maritime transport in its roadmap and, in the absence of an international agreement to reduce emissions from shipping, to propose legislation so that these emissions are included in the Community reduction commitment with the aim of the proposed act entering into force by 2013;

84. Calls on the Commission to put forward proposals to improve the fuel efficiency of heavy goods vehicles, and, in its 2013 review of legislation on emissions from light commercial vehicles, to take greater account of the need to improve fuel efficiency so as to reduce the cost to business of increased fuel prices;

85. Calls on the Commission to provide purchasers of all types of passenger and freight vehicles with greater clarity regarding their fuel efficiency, and to put forward the long- delayed proposals for reform of the Labelling Directive, which should encompass all forms of sales promotion;

Thursday 15 March 2012

86. Calls on the Commission to take immediate steps to ensure that the test cycles used to evaluate emissions from new cars accurately reflect the realities of the use of such vehicles in normal driving conditions;

87. Acknowledges the efforts being made by some Member States to establish recharging/refuelling infrastructures to promote the use of electric and ultra-low carbon vehicles, and calls on the Commission to bring forward proposals to set minimum requirements in each Member State in order to establish a Europe-wide network;

88. Calls on the Commission and the Member States to consider it a priority, with a view to reducing transport pollutant emissions, to invest in developing a pan-European intelligent energy network that can harness energy generated at local and regional level, including from renewable sources, and which helps to develop the necessary infrastructure for the use of electric vehicles;

89. Considers that a cultural shift towards more sustainable modes of transport is needed; therefore calls on the Commission and the Member States to encourage new forms of investment, so as to facilitate the modal shift to more environmentally friendly modes of transport and to reduce the need for transport, *inter alia* by applying IT and through spatial planning;

90. Stresses that the internalisation into transport prices of the external costs of transport, graduated by level of pollution, is a key challenge for stimulating energy savings and energy efficiency, and that increased performance will lead to an environmentally friendly choice of transport mode;

91. Calls for consistency with the Roadmap priorities to be ensured for the envisaged new transport infrastructure investments, recalling that the 1,5 trillion EUR over the next two decades between 2010-2030 requested by the Commission risk not to be channelled into adequate low-carbon priorities; stresses, therefore, the need to 'green' the EU's infrastructure budget, especially in relation to the Structural Funds and the Cohesion Fund;

92. Welcomes the proposed new guidelines for the Trans-European Transport Networks and the importance given to the development of rail corridors for passengers and freight; calls on the Commission to present, as soon as possible, a strategy for the use of alternative fuels and new technologies in transport; encourages the Member States to urgently implement the measures of the Single European Sky and thus improve the efficiency of aircraft and traffic management operations;

93. Calls on the Commission and the Member States to implement in full the legislation on aviation in the ETS;

### ***Agriculture***

94. Calls on the Commission to propose specific measures to reduce greenhouse gas emissions and promote efficiency gains from the use of agricultural land and reduce the use of fossil fuel based fertilisers, taking particular account of the role of agriculture as producer of food (rather than fuel); is also of the view that smaller-scale farmers may require training and technical assistance in this area; also calls on the Commission to step up research on the functioning of different kinds of agriculture and effective agri-environmental practices, with due respect for prevailing climatic conditions;

95. Believes that agriculture is well placed to make a major contribution to tackling climate change and creating new jobs through green growth; notes that greenhouse gas emission reductions in the agricultural sector are a win-win option that can increase farmers' long-term economic and agronomic viability; calls for the CAP to include targets for the use of sustainable energy;

96. Stresses that the CAP post-2013 is expected to enhance the above contribution; recognises that agriculture has already substantially reduced its emissions through improved production efficiency; notes, however, that, in the long run, the emission-reduction potential of agriculture is substantial (by 2050 the agricultural sector will be able to reduce non-CO<sub>2</sub> emissions by between 42 % and 49 % compared to 1990 levels), but could be considered rather limited compared to other sectors; stresses that all the countries that are the main emitters must make an appropriate contribution;

Thursday 15 March 2012

97. Supports the greening component of the CAP to operate as an EU-wide incentive scheme targeted on enhancing nutrient, energy and climate efficiency by focusing on increasing carbon soil sequestration, further reducing GHG emissions, and improving nutrient management; the aims of this scheme would be to ensure the competitiveness of farms and long-term food security through a more effective management of limited natural resources

98. Calls for the necessary measures, including research funding, education efforts, investment aid and other incentive-based initiatives, to be implemented under the CAP in order to support and enable the use of agricultural and forestry residue in the production of sustainable energy;

99. Recalls that improved agricultural and forestry practices should increase the sector's capacity to preserve and sequester carbon in soils and forests; stresses at the same time that most forest owners are also farmers; stresses, furthermore, the EU's goal of curbing the deforestation occurring worldwide, in particular in developing countries, and of halting global forest cover loss by 2030 at the latest;

100. Emphasises the importance of developing suitable measures and/or mechanisms that enable real financial recognition of the role played by agriculture and forestry in conserving carbon;

101. Stresses that sustainable use of forests contributes to reducing CO<sub>2</sub> emissions, and that it is therefore necessary to take measures under the second agricultural policy pillar to enable forests to be managed even in difficult locations;

102. Stresses that special attention has to be paid to afforestation, as the only natural means of increasing the carbon sink and sources of wood for bioenergy;

103. Calls for a strategy for EU land use, land use change and forestry (LULUCF), ensuring permanence and the environmental integrity of the sector's contribution to emissions reduction, encourages Member States to develop their national policies in order to deliver the mitigation potential of their respective LULUCF sectors, with regard to the principle of subsidiarity, since this could help to obtain valuable experience; underlines the need to invest in scientific research on storage capacity and emissions from LULUCF activities;

104. Considers that long-term competitiveness can only be achieved by having healthy, biologically diverse agro-ecosystems that are climate-resilient and by taking due care of limited and finite natural resources, such as soil, water and land;

105. Stresses that protecting, valuing and restoring biodiversity and ecosystem services is key in order to achieve a low-carbon economy;

106. Stresses that the Commission should emphasise climate mainstreaming in order to create coherence between policies including industry, research, energy, biodiversity, trade, development, agriculture, innovation, transport, animal welfare and the Europe 2020 strategy; believes that sound strategic management of the agricultural sector's potential would put Europe well on its way to becoming a competitive player in tomorrow's low-carbon global economy;

107. Stresses that the food chain should be shorter and more transparent and that the consumption of locally produced food should be encouraged, including support for local and regional markets, in order to reduce agricultural production's transport-related emissions; stresses that relocating European multifunctional production and processing to non-EU countries would have a negative impact on European added value and on climate goals;

108. Believes that better livestock feed management, including protein crops in arable rotations and increasing the diversity of protein crops in permanent pasture mixes, in order to grow more animal feed on-farm, would reduce dependence on animal feed imports with a high carbon cost; believes that this would also reduce animal feed costs for farmers, and result in better soil management, by increasing soil water retention and also reducing susceptibility to pests;



Thursday 15 March 2012

**Financing**

109. Supports the proposals made by the Commission for the Multiannual Financial Framework 2014-2020 to provide dedicated funding to increase investment and promote the development and application of low-carbon technologies; endorses the intention to mainstream climate-related funding of the total MFF and earmark 20 % of the European Regional Development Fund (ERDF) for renewable energy and energy-efficient investment, while insisting that this must be effectively monitored; recommends that the Commission should ensure that particular use is made of this funding to assist Member States which have a high potential for reducing emissions below the existing targets but lack the capacity to make the necessary investment;

110. Points out that the current financial and economic crisis must be borne in mind when designing policies to ensure and support upfront investments which contribute to increased renewable energy sources, in order to reduce energy costs in the long term and improve energy efficiency in the fields of energy provision and transport;

111. Recalls that the long-term economic costs of not taking action to prevent climate change far outweigh the short-term costs of taking strong and decisive action now;

112. Hopes that concrete and measurable targets will swiftly be established for each sector, in order to encourage private investors and inspire confidence and cooperation among them, while promoting the better use of European funds; stresses that renewable energy, innovation and the development and deployment of breakthrough technologies can contribute to the fight against climate change and, at the same time, help convince the EU's partners worldwide that emissions reductions are feasible without losing competitiveness or putting job creation at risk; considers it essential that the EU and its Member States should set an example in establishing a system for investment in new, energy-efficient and low-carbon technologies; calls for the reinforcement of existing financing schemes in order to achieve the roadmap objectives, as well as for discussions to be promptly launched on the financial instruments that need to be deployed, and for the facilitation of better synergies between national and European financing schemes; believes that multi-source financing schemes can be an effective tool; stresses the key role of regional and cohesion policy funding as the main instrument for cofinancing regional measures for the transition to a low-carbon economy; considers that a significant proportion of financing for the 2014-2020 programming period should be allocated to meeting the objectives of the 2050 roadmap;

113. Notes that owing to low carbon prices the auction of ETS allowances will not mobilise resources for climate investment as expected; recalls that at least 50 % of auctioning revenues must be reinvested in climate action both in the EU and in developing countries, and urges the Commission to actively monitor the spending of such revenues by Member States, and report on this on an annual basis to Parliament; calls on the Member States to make effective use of the auction revenues in order to promote R&D and innovation with a view to achieving long-term reductions in greenhouse gas emissions;

114. Calls on the Commission, from 2013, to collate information relating to the use of funds derived from the auction of ETS allowances, and to publish an annual report comparing the extent to which each Member State makes use of such funds to promote the development of low-carbon technologies and other means of curbing greenhouse gas emissions;

115. Calls on the Commission to propose that Member States provide a proportion of auctioning funds in order to provide additional EU funding to support innovation, through the SET plan or equivalent initiatives;

116. Calls on the Commission to explore and consider complementary and innovative funding sources, including the potential use of regional development funds, in order to further promote the development and application of low-carbon technologies;

Thursday 15 March 2012

117. Stresses the urgent need to tackle environmentally harmful subsidies within the framework of the Roadmap; calls for coordinated action aimed at identifying and phasing out all environmentally harmful subsidies by 2020, in order to support budget consolidation and the transition towards a sustainable economy; calls on the Commission to publish, by the end of 2013, a communication indicating all means by which the EU budget is used to justify financial support, directly or through Member States, to activities that contradict the objectives of its Low-Carbon Roadmap;

118. Calls on the Commission and the Member States to push for a more rapid implementation of the G-20 agreement on removing fossil fuel subsidies; stresses that, in order to achieve the desired impact, implementation has to be internationally coordinated;

#### **Additional measures**

119. Calls on the Commission to put forward, by the end of 2012, ambitious proposals to reduce emissions of methane, black carbon and F-gases;

120. Recalls the potential of wood for replacing the most carbon-intensive materials, inter alia in the construction sector, and calls for a clear hierarchy of use of sustainably harvested wood to be established, so as to ensure consistency with climate as well as resource-efficiency objectives; considers that sustainable bioenergy can be sourced from waste, certain residues and industrial byproducts, provided sufficient safeguards are set against loss of soil carbon and biodiversity as well as indirect emissions due to displacement of other uses of the same material;

121. Recalls that construction has a big ecological footprint, as it consumes large quantities of non-renewable natural resources and energy and is responsible for substantial carbon dioxide emissions; recalls that the use of renewable building materials reduces the consumption of natural resources and environmental damage; urges the Commission, therefore, to take better account of the low-emission character and energy efficiency of building materials over the whole of their life cycle, and to promote the use of ecologically sustainable, renewable and low-emission materials such as wood in construction; recalls that wood binds carbon as it grows, so that it is a carbon-neutral material;

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

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## **Discriminatory internet sites and government reactions**

P7\_TA(2012)0087

### **European Parliament resolution of 15 March 2012 on discriminatory internet sites and government reactions (2012/2554(RSP))**

(2013/C 251 E/14)

*The European Parliament,*

— having regard to Articles 2, 3, 4, and 6 of the Treaty on European Union (TEU), Articles 2, 3, 4, 9, 10, 18, 19, 20, 21, 26, 45, 49, 56, 67, 83 and 258 of the Treaty on the Functioning of the European Union (TFEU), the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights (ECHR),

— having regard to Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law <sup>(1)</sup>,

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<sup>(1)</sup> OJ L 328, 6.12.2008, p. 55.

Thursday 15 March 2012

- having regard to Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States <sup>(1)</sup>,
  - having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin <sup>(2)</sup>,
  - having regard to Commission Vice-President Viviane Reding's statement of 11 February 2012 on the PVV website <sup>(3)</sup>,
  - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas, at the beginning of February 2012, the Dutch Freedom Party (PVV) launched an internet hotline 'Meldpunt Midden en Oost Europeanen', calling on people to report complaints arising from the 'massive labour migration' of 'Central or Eastern European citizens', in particular Poles, Romanians and Bulgarians; whereas people are asked, in particular, whether they have experienced any problems in terms of anti-social behaviour and whether they have lost their jobs to one of those citizens;
- B. whereas the free movement of citizens in the European Union is enshrined in Article 21 TFEU, and the free movement of workers within the European Union in Article 45 TFEU;
- C. whereas the right to protection from discrimination on grounds of nationality is enshrined in Article 18 TFEU, and protection from discrimination based on racial or ethnic origin in Article 10 TFEU;
- D. whereas the right to freedom of thought is enshrined in Article 10 of the Charter of Fundamental Rights, and freedom of expression in Article 11 thereof;
- E. whereas the European Union is founded on the values of democracy and the rule of law, as stipulated in Article 2 TEU, and on unequivocal respect for fundamental rights and freedoms, as enshrined in the Charter of Fundamental Rights of the European Union and in the ECHR;
- F. whereas the Member States have an obligation to all EU citizens to ensure that they are not discriminated against or stigmatised when living and working across Europe;
- G. whereas the PVV hotline openly incites discrimination against European Union workers from Central and Eastern European countries and is creating divisions between communities in Dutch society;
- H. whereas the PVV website undermines the free movement of persons and the right to non-discrimination, based on Directive 2004/38/EC and the relevant Treaty articles;
- I. whereas the Dutch Government has signed a parliamentary support agreement with the PVV and can thus count on a majority in the Dutch Parliament;
- J. whereas the Dutch Government has so far not formally condemned the PVV hotline;
- K. whereas the launch of this hotline sparked a fierce debate in the Netherlands, and many political parties, the media, SME and other company leaders, civil society leaders and individual citizens have condemned the PVV initiative; whereas many counter-initiatives have been launched, such as a website to report positive experiences with Polish people;

<sup>(1)</sup> OJ L 158, 30.4.2004, p. 77.

<sup>(2)</sup> OJ L 180, 19.7.2000, p. 22.

<sup>(3)</sup> [http://ec.europa.eu/commission\\_2010-2014/reding/multimedia/news/2012/02/20120211\\_en.htm](http://ec.europa.eu/commission_2010-2014/reding/multimedia/news/2012/02/20120211_en.htm)

Thursday 15 March 2012

- L. whereas the ambassadors of ten Central and Eastern European countries in the Netherlands have strongly objected to the website, stating that 'it encourages negative perception of a particular group of EU citizens within the Dutch society';
- M. whereas, according to the latest studies carried out by the Erasmus University in Rotterdam <sup>(1)</sup>, migrant workers from Central and Eastern European countries are making a significant contribution to the Dutch economy and the Dutch labour market;
- N. whereas the commitment of Dutch government policy to European integration has significantly decreased over the last years, as demonstrated by the position of the current Dutch Government on issues such as Schengen enlargement and the free movement of workers;
- O. whereas there is a real risk of similar hotlines being launched in other Member States;
1. Strongly condemns the website launched by the PVV, as it goes against the fundamental European values of human dignity, freedom, equality, the rule of law and respect for human rights and risks destroying the very basis of the Union, which is pluralism, non-discrimination, tolerance, justice, solidarity and freedom of movement;
  2. Considers the PVV hotline as an ill-intentioned initiative aimed at creating divisions within society and obtaining political gain to the detriment of workers from Central and Eastern Europe;
  3. Strongly calls on Prime Minister Mark Rutte, on behalf of the Dutch Government to condemn and distance himself from this deplorable initiative; stresses, furthermore, the obligation of all European Union governments to guarantee the rights of free movement and non-discrimination, and thus calls on the European Council formally to condemn the PVV hotline since it undermines those rights and is an affront to European values and principles;
  4. Urges the Dutch Government not to turn a blind eye to the policies of the Party of Freedom which are in contradiction with fundamental EU values;
  5. Calls on the Dutch authorities to investigate whether this initiative has resulted in incitement to hatred and discrimination;
  6. Stresses that workers from the countries that joined the EU in 2004 and 2007 have had a positive impact on Member States' economies and have not caused serious disruptions in their labour markets, but have made a significant contribution to sustained economic growth in the EU;
  7. Calls on the Dutch Government to give a swift answer to the letters sent by the Commission on envisaged legislation that may infringe Directive 2004/38/EC on the right of EU citizens and their family members to move and reside freely within the territory of the Member States, and to follow up on the requests made by Parliament in its resolutions;
  8. Calls on the Commission and the Council to do their utmost to stop the spread of xenophobic attitudes such as those expressed on this website and to ensure the effective implementation of the Framework Decision on Racism and Xenophobia in all Member States;
  9. Instructs its President to forward this resolution to the Council, the Commission, the Council of Europe and the governments and parliaments of the Member States.

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<sup>(1)</sup> Arbeidsmigranten uit Polen, Roemenie en Bulgarije in Den Haag. Sociale leefsituatie, arbeidpositie en toekomstperspectief, Prof. Godfried Engbersen, Afdeling Sociologie Universiteit Rotterdam.

Thursday 15 March 2012

## Outcome of the presidential elections in Russia

P7\_TA(2012)0088

### European Parliament resolution of 15 March 2012 on the outcome of the presidential elections in Russia (2012/2573(RSP))

(2013/C 251 E/15)

*The European Parliament,*

- having regard to the Partnership and Cooperation Agreement between the European Union and the Russian Federation, which entered into force in 1997 and has been extended pending its replacement by a new agreement,
  - having regard to the ongoing negotiations for a new agreement providing a new comprehensive framework for EU-Russia relations, as well as to the 'Partnership for Modernisation' initiated in 2010,
  - having regard to its previous reports and resolutions on Russia, in particular its resolutions of 16 February 2012 <sup>(1)</sup> on the upcoming presidential election in Russia, of 14 December 2011 <sup>(2)</sup> on the State Duma elections, especially its criticism of the conduct of the Duma elections, and of 7 July 2011 <sup>(3)</sup> on Preparations for the Russian State Duma elections in December 2011,
  - having regard to the OSCE/ODIHR, OSCE PA and PACE Common Statement of Preliminary Findings and Conclusions of 5 March 2012,
  - having regard to the statement by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy of 4 March 2012 on the presidential elections in Russia of 4 March 2012 and her speeches of 14 December 2011 in Strasbourg on the EU-Russia Summit and of 1 February 2012 in Brussels on the political situation in Russia,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the EU, as Russia's strategic partner and direct neighbour, has followed with particular interest the election process and the public debate and widespread on-going protests in Russia relating to the State Duma elections of last December 2011 and the Presidential elections held on 4 March 2012;
- B. whereas serious concerns remain about developments in the Russian Federation with regard to respect for and the protection of human rights and respect for commonly agreed democratic principles, electoral rules and procedures; whereas the Russian Federation is a full member of the Council of Europe and the Organisation for Security and Cooperation in Europe and has therefore committed itself to the principles of democracy and respect for human rights;
- C. whereas on 12 April 2011 European Court of Human Rights ruled against the cumbersome registration procedures for political parties in Russia, which do not comply with the election standards set by the Council of Europe and the OSCE; whereas limiting registration of political parties and candidates restrains political competition and pluralism in Russia;
- D. whereas, despite recently limited initiatives to improve election laws, the general rules remain overly complex and in some cases vague, leading to inconsistent application of the legal basis;

<sup>(1)</sup> Texts adopted, P7\_TA(2012)0054.

<sup>(2)</sup> Texts adopted, P7\_TA(2011)0575.

<sup>(3)</sup> Texts adopted, P7\_TA(2011)0335.

Thursday 15 March 2012

- E. whereas the Russian authorities attempted to discredit NGOs involved in election observation and in particular Golos, which was evicted from its main offices in Moscow and subjected to a media campaign aimed at harming its reputation and whose regional offices were subject to tax investigations; whereas independent media were also placed under serious pressure;
- F. whereas the OSCE/ODIHR, OSCE PA and PACE Common Statement of Preliminary Findings and Conclusions of 5 March 2012 stated that the electoral process had not been free or fair, as it had been 'deeply skewed in favour of one candidate' through denunciation during the registration process of potentially competing candidates, unequal and biased media coverage and the use of State resources in favour of one candidate;
- G. whereas, by means of a number of demonstrations since the Duma elections on 4 December 2011, the Russian people have expressed their will for more democracy and a comprehensive reform of the electoral system, particularly the so-called 'white ribbon' demonstrators;
1. Takes note of the results of the presidential elections in the light of the preliminary conclusions of the OSCE/ODIHR as well as of the domestic observation organisations, e.g. Golos, Grazhdanin Nabludatel, the Voters' League and representatives of political parties;
  2. Stresses, in full support of the modernisation agenda, which covers dialogue on both economic and political reforms with a view to introducing and implementing reforms addressing existing deficiencies, the necessity of a critical engagement with Russia;
  3. Strongly criticises the shortcomings and irregularities in the preparation and conduct of these elections and the fact that voters' choice was limited; stresses that the Russian broadcast media did not provide balanced coverage of all candidates during the electoral campaign, which contravenes the legal requirements; welcomes the significant civic engagement in the campaign, and calls for comprehensive and transparent analyses of all irregularities and the introduction, strengthening and implementation of democratic rules for future elections; deplors the detention of dozens of protestors across Russia during demonstrations;
  4. Invites President Medvedev to match the deed to the word and to guarantee the adoption of the necessary reforms of the political system, and expects that the new Russian President will be ready to take them forward, including the much needed simplification of rules governing the registration of political parties; calls for a serious commitment to also address the problems of media freedom and freedom of assembly and expression; reiterates the EU's readiness to cooperate with Russia, including in the framework provided by the Partnership for Modernisation, to improve respect for human and fundamental rights in which connection a key issue is the release of political prisoners, and the effectiveness of an independent rule-of-law system in Russia;
  5. Encourages the Russian authorities and political parties represented in the State Duma to engage in a meaningful dialogue with the pro-democracy protestors and opposition in the interests of a comprehensive reform, transparency and democracy; calls on the President-elect Vladimir Putin to tone down his rhetoric against the protestors and engage with them in a sincere dialogue on the future of the country;
  6. Encourages the different Russian democratic opposition groups to unite more closely around a positive programme of political reforms, thus offering Russian citizens a credible alternative;
  7. Welcomes the decision of President Dmitry Medvedev ordering the Prosecutor General to study the legality of 32 criminal cases, including the jailing of Mikhail Khodorkovsky; calls for President-elect Vladimir Putin to order a similar review of the Sergey Magnitsky case;

Thursday 15 March 2012

8. Notes the initial approval by the State Duma of the Presidential draft laws aimed at comprehensive changes to the political system, including a simplification of the rules concerning the registration of political parties and their access to elections; urges the State Duma, when adopting the necessary laws, to take into account amendments jointly submitted by the non-registered parties; expects all sides to take the opportunity before the inauguration of the President-elect to decide on a comprehensive reform package including changes to the electoral law; expresses its strong wish to see a successful outcome and full implementation of all the reform proposals under discussion in the Medvedev working group; is convinced that a new electoral law and the registration of opposition political parties should provide a basis for free and fair elections to the State Duma;

9. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Government and Parliament of the Russian Federation, the Council of Europe and the Organisation for Security and Cooperation in Europe.

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## Kazakhstan

P7\_TA(2012)0089

### European Parliament resolution of 15 March 2012 on Kazakhstan (2012/2553(RSP))

(2013/C 251 E/16)

*The European Parliament,*

- having regard to the general provisions on the Union's external action laid down in Article 21 TEU, and the procedure for the conclusion of international agreements set out in Article 218 TFEU,
- having regard to the EU Strategy for Central Asia,
- having regard to the Partnership and Cooperation Agreement between the EC and Kazakhstan which entered into force in 1999, and in particular its Article 2 (General Principles section),
- having regard to the EU Strategy for a New Partnership with Central Asia, adopted by the European Council on 21-22 June 2007, and to the progress reports of 24 June 2008 and 28 June 2010,
- having regard to the Council statement of 24 May 2011 on Kazakhstan,
- having regard to the EU's statements on Kazakhstan in the OSCE Permanent Council, of 3 November and 22 December 2011 and 19 January, 26 January and 9 February 2012, and to the statements by EU HR/VP Catherine Ashton on the events in the Zhanaozen district of 17 December 2011 and on the 15 January 2012 parliamentary elections in Kazakhstan of 17 January 2012,
- having regard to the statement of preliminary findings and conclusions of the OSCE/ODIHR-led mission observing the 15 January 2012 parliamentary elections,
- having regard to the statement on the media situation in Kazakhstan made by the OSCE Representative on Freedom of the Media on 25 January 2012,
- having regard to the statement on the clampdown on Kazakh opposition made by the Director of the OSCE's Office for Democratic Institutions and Human Rights on 1 February 2012,
- having regard to its resolution of 15 December 2011 on the EU Strategy for Central Asia <sup>(1)</sup>,

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<sup>(1)</sup> Texts adopted, P7\_TA(2011)0588

Thursday 15 March 2012

- having regard to paragraph 23 of its resolution of 16 February 2012 on the United Nation's Human Rights Council <sup>(1)</sup>,
  
- having regard to Rule 110(4) of its Rules of Procedure,
  
- A. whereas both the EU and Kazakhstan could derive important benefits from deeper cooperation, and Parliament supports this objective while stressing that economic cooperation must go hand in hand with political cooperation and must be based on the political will to implement and uphold common values, given the crucial role played by Kazakhstan for the socio-economic development of Central Asia and the stability and security of the region;
  
- B. whereas negotiations on a new enhanced EU-Kazakhstan agreement, which should replace the Partnership and Cooperation Agreement currently in force, were launched in June 2011;
  
- C. whereas on 17 February 2012 the President of Kazakhstan signed several laws aiming at improving the legal basis for labour relations, workers' rights and social dialogue and strengthening the independence of the judiciary;
  
- D. whereas on 16 December 2011 a large number of people were killed and many more were injured in unrest in the city of Zhanaozen in western Kazakhstan, where more than 3 000 people rallied peacefully on the main square in support of the demands of oil workers who had been on strike since May for higher wages and better conditions and the right to choose their own union representation;
  
- E. whereas the authorities report that 17 people died, after, according to independent reports and eye witnesses, the riot police attacked the protesters, opening fire on civilians including unarmed strikers and their families; whereas after the clashes the Kazakh authorities declared a state of emergency, denying journalists and independent observers access to Zhanaozen; whereas the state of emergency was finally lifted on 31 January 2012, but witnesses have claimed that the death toll may be far higher; whereas the regional authorities have pledged financial support to the families of those who died in the events;
  
- F. whereas the picture of what actually happened in Zhanaozen on 16 December 2011 remains hazy; whereas communication links were initially cut by the authorities and access to the city then remained controlled under a state of emergency which lasted until 31 January 2012; whereas intimidation and violent attacks against independent media, together with a climate of fear among the citizens, keep hindering the emergence of greater clarity; whereas, in response to the events in Zhanaozen, in December 2011 the Kazakhstani authorities increased internet censorship in the country and are now deploying deep-packet inspection of all internet traffic;
  
- G. whereas approximately 43 people have been arrested since December 2012 and are facing charges entailing sentences of up to six years, among them prominent leaders and activists from the oil workers' strike, including Talat Saktaganov, Roza Tuletaeva and Natalya Azhigalieva; whereas a number of young people accused of Islamist activities were arrested in the city of Uralsk on 3rd February 2012 on suspicion of organising mass disorder in Zhanaozen;
  
- H. whereas the President of Kazakhstan has called for a full investigation into the events, setting up a government commission headed by the first deputy prime minister and inviting international experts, among others from the UN, to participate in the investigation process; whereas a number of police officers are under investigation for inappropriately firing their weapons, although none have been charged so far;
  
- I. whereas there are several reports that detainees have been subjected to torture and ill-treatment; whereas credible investigation, followed by appropriate legal action, is necessary also in relation to this;

<sup>(1)</sup> Texts adopted, P7\_TA(2012)0058



Thursday 15 March 2012

- J. whereas the general elections held on 15 January 2012 were deemed by the OSCE not to be in line with its standards, given widespread voting irregularities and the use of state resources and slogans to bolster the popularity of the ruling party, which did not provide the necessary conditions for the conduct of genuinely pluralistic elections, although this time the elections were considered well administered at the technical level;
- K. whereas on 6 January 2012 the President of Kazakhstan signed the Law on National Security, which boosts the authority of the security services and affirms that persons considered to harm the country's image on the world stage can be deemed 'destructive' and will have to face the consequences;
- L. whereas the past few months have been marked by the deterioration of the human rights situation in Kazakhstan, as reflected in the EU's statements in the OSCE Permanent Council and in recent statements by the OSCE Representative on Freedom of the Media and the Director of the OSCE's Office for Democratic Institutions and Human Rights;
- M. whereas in September 2011 the authorities adopted a law on religion which obliges all religious groups to re-register, and includes provisions that could prohibit citizens of Kazakhstan from freely practising their faith; whereas, in addition, recently adopted laws on the mass media and national security all include provisions which strengthen illiberal features of Kazakhstan's political system and contradict declared democratisation ambitions;
- N. whereas on 8 August 2011 the Aktau City Court found Natalia Sokolova, the lawyer of the oil workers, guilty of 'inciting social discord' and 'active participation in illegal gatherings', and sentenced her to 6 years' imprisonment;
- O. whereas, in the expectation of boosting its respectability at international level, Kazakhstan took on the role of OSCE chair in 2010, and committed itself to a series of democratic reforms and to respecting the basic principles of that organisation;
- P. whereas during the last two months, the opposition parties and organisations Alga, Azat and the Socialist Movement of Kazakhstan, as well as independent media including the Vzglyad, Golos Republik and Respublika newspapers and the satellite TV channel STAN TV, and independent trade unions including the Zhanartu union and other civil society organisations, have become targets of intensified repression, with the detention inter alia of the leader of the Alga party Vladimir Kozlov and the editor-in-chief of Vzgyad Igor Vinyavski; whereas on 28 January 2012 around 1 000 people in Almaty took part in an unauthorised protest against the repression, calling on the authorities to put an end to political persecution;
- Q. whereas the opposition parties have announced plans for a protest rally on 24 March 2012 in Almaty to mark 100 days since the Zhanaozen killings;
- R. whereas the fact that Mr Kozlov was arrested and held incommunicado shortly after returning from his meetings with the European Parliament and the European External Action Service gives the EU additional reason for concern, and highlights the importance of safeguarding our institutions' ability to conduct dialogues with a broad range of actors in the EU's partner countries without this having any negative consequence for our interlocutors;
1. Stresses the importance of the relations between the EU and Kazakhstan and the strengthening of political and economic cooperation, including in strategic areas such as democracy, human rights, the environment, energy, trade and transport and in addition to the fight against terrorism, organised crime and drug trafficking; underlines that last year was marked by increased cooperation, frequent high-level meetings and the start of the negotiations for a new Partnership and Cooperation Agreement;
  2. Expresses its deep concern and its condolences regarding the events that took place on 16 December 2011 in the Zhanaozen district of Kazakhstan, when 17 people died and 110 others were injured;

Thursday 15 March 2012

3. Strongly condemns the violent crackdown by the police against demonstrators in Zhanaozen, and calls for an independent and credible investigation into the events, with an international component;
4. Declares its intention to continue to conduct dialogues with civil society actors, as part of its relations with Kazakhstan and in line with its practices in its relations with other third countries; expects respect for these dialogues, and stresses that it is not insensitive to the wellbeing of its interlocutors;
5. Believes that bad handling of the labour dispute in the oil sector in western Kazakhstan was the main cause of the deepening popular discontent before the mid-December 2011 events; is convinced that recognition, in words and in deeds, of workers' right to organise, mutually respectful dialogue between trade union representatives, employers and authorities, re-hiring of dismissed workers or finding new jobs for them, support for families suffering the consequences of recent events, and the building of trust in the law-enforcement authorities are key to achieving social peace and sustainable stability;
6. Calls on the EEAS to undertake close monitoring of the trial of those accused of organising the demonstrations, and to report back to Parliament;
7. Welcomes the recent release of the human rights defender Evgeniy Zhovtis, director of the Kazakhstan International Bureau for Human Rights and Rule of Law and the 'Vremya' journalist Tokhniyaz Kuchukov, who were granted an amnesty by a court decision of 2 February 2012 after having been sentenced to four years in a labour camp in September 2009;
8. Regrets that there are otherwise few exceptions to the negative trend in human rights-related developments in Kazakhstan which has existed for a considerable time and has recently been reinforced, and calls on the Kazakh authorities to provide assurances regarding the safety of the families of arrested activists;
9. Urges the Kazakh authorities to make every effort to improve the human rights situation in their country; underlines that progress in the negotiation of the new enhanced Partnership and Cooperation Agreement between the EU and Kazakhstan must depend on the progress of political reform; encourages Kazakhstan to maintain its declared commitment to further reforms, in order to build up an open and democratic society including an independent civil society and opposition, respectful of fundamental rights and the rule of law;
10. Reiterates that unrestricted access to information and communication and uncensored access to the internet (digital freedoms) are universal rights and are indispensable for human rights such as free expression and access to information, as well as for ensuring transparency and accountability in public life;
11. Welcomes the legal changes in the last months aimed at broadening the range of parties which can submit parliamentary candidates; notes that since the latest legislative elections three parties have been represented in the new parliament; regrets that a number of opposition parties are not being allowed to register, and encourages the Kazakh authorities to undertake the further reforms that are needed to ensure genuinely pluralistic elections and to support the functioning of the independent media and the activities of NGOs;
12. Calls on the Kazakh authorities to address the OSCE/ODHIR findings as a matter of priority, in order to allow the country's opposition to play its rightful role in a democratic society and to take all necessary steps to comply with international election standards; calls on the EEAS to support Kazakhstan in tackling these issues;
13. Takes note of the roadmap for Kazakhstan's WTO accession, which will contribute to creating a level playing field for business communities on both sides and will facilitate and liberalise trade, and sends out a message of cooperation and openness; stresses that with accession Kazakhstan will be obliged to comply with all WTO rules, including the elimination of protectionist measures;

Thursday 15 March 2012

14. Expresses its indignation at the incarceration of opposition leaders and journalists since January 2012, and calls on the Kazakh authorities to end the clampdown on the opposition and the independent media in the country and release all persons incarcerated on political grounds, including the leader of the Alga party Vladimir Kozlov and the editor-in-chief of the Vzgl'yad newspaper Igor Vinyavskiy, as well as all persons mentioned in recent EU statements in the OSCE Permanent Council who are still in detention; calls for Mr Kozlov to be given access to his immediate family, including his wife, and for an independent assessment of his medical condition; welcomes the release of Natalya Sokolova, lawyer for the Karazhanbasmunai oil company's labour unions, who was previously sentenced to six years in prison, now reduced to a three-year probation; regrets nevertheless that Ms Sokolova is still prohibited from participating in trade union activities during her probation;

15. Urges the Kazakh authorities to rapidly improve their respect for the freedoms of assembly, association, expression and religion, in line with the recommendations of the OSCE representatives and bodies and paying close attention to the international commitments Kazakhstan has entered into, as well as to the promises made before the decision allowing Kazakhstan to occupy the OSCE chair in 2010 was taken; draws attention to the well-prepared National Human Rights Action Plan adopted in 2009, and urges the Kazakh authorities to implement it in full;

16. Is convinced that Kazakhstan's authorities and society would reap huge benefits from taking such action, not least in terms of stability and security and a resumption of the earlier steady rise in the country's international standing;

17. Highlights the participation since January 2012 of official representatives of Kazakhstan in open and constructive meetings with MEPs in the European Parliament, with participation by civil society and NGOs, in which they showed themselves to be open to investigations with an international component into the events, and promised information regarding the arrests of the past months; expects that these announcements will be followed up with concrete actions;

18. Underlines the importance of human rights dialogues between the EU and Kazakh authorities in which all issues can be openly addressed; calls for the strengthening of these dialogues in order to make them more effective and results-oriented and to allow the involvement of civil society actors;

19. Calls on the EU, and in particular the High Representative of the European Union for Foreign Affairs and Security Policy, to monitor developments closely, to raise all issues of concern with the Kazakh authorities, to offer assistance, and to report regularly to Parliament;

20. Instructs its President to forward this resolution to the HR/VP and to the Council, the Commission, the Governments and Parliaments of the Member States, the Government and Parliament of the Republic of Kazakhstan, and the Organisation for Security and Cooperation in Europe.

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## Situation in Nigeria

P7\_TA(2012)0090

### European Parliament resolution of 15 March 2012 on the situation in Nigeria (2012/2550(RSP))

(2013/C 251 E/17)

*The European Parliament,*

- having regard to the statements by Vice-President/High Representative Ashton of 26 December 2011 on the Christmas Day bombings and of 22 January 2012 on the bombings in Kano, Nigeria,
- having regard to the statement by the UN Security Council of 27 December 2011 on attacks in Nigeria,
- having regard to the Universal Declaration of Human Rights,

**Thursday 15 March 2012**

- having regard to the International Covenant on Civil and Political Rights of 1966, ratified by Nigeria on 29 October 1993,
  - having regard to the second revision of the Cotonou Agreement 2007-2013, ratified by Nigeria on 27 September 2010,
  - having regard to the African Charter on Human and Peoples' Rights of 1981, ratified by Nigeria on 22 June 1983,
  - having regard to the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief of 1981,
  - having regard to the Constitution of the Federal Republic of Nigeria, and in particular its provisions on the protection of freedom of religion in its Chapter IV – Right to freedom of thought, conscience and religion,
  - having regard to the Nigeria-EU Ministerial Meeting of 8 February 2012 in Abuja,
  - having regard to the UN Commission on Human Rights resolution E/CN.4/RES/2005/69 asking the 'Secretary-General to appoint a special representative on the issue of human rights and transnational corporations and other business enterprises',
  - having regard to the UNEP report recommendations to establish an Ogoniland Environmental Restoration Authority,
  - having regard to its previous resolutions on Nigeria,
  - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas it is appalled by the latest waves of gun and bomb attacks committed by the terrorist Islamist sect Boko Haram, which killed at least 185 people in Kano on 20 January 2012, and largely targeted police posts; whereas Boko Haram warned Kano residents, in a leaflet distributed around the city overnight, that their strikes against security services would continue and urged perseverance as the group fights to install an 'Islamic system';
- B. whereas human rights organisations have documented the involvement of the Boko Haram Islamist group in attacks on police stations, military facilities, churches and banks, as well as in a suicide bomb attack at the UN headquarters, which killed at least 24 people and injured more than 100 others;
- C. whereas, in response to the Boko Haram violence, the Nigerian police and military have carried out extrajudicial executions of numerous suspected members of the group;
- D. whereas Boko Haram has targeted Christians, notably on Christmas Day, when dozens were killed in a series of bombings, the deadliest of which claimed 44 lives outside a Catholic church near the capital Abuja; and whereas Boko Haram has vowed to wage a religious war on Christians and drive them from the country's majority-Muslim north;
- E. whereas, on 3 January 2012, Boko Haram issued an ultimatum and gave Christians in northern Nigeria three days to leave; whereas at least 8 Christians attending a prayer service in Gombe were killed on 5 January 2012 and 20 Christian mourners were killed in Mubi on 6 January 2012;
- F. whereas, on 26 February 2012, two suicide bombers from Boko Haram detonated explosives in a car outside a church in the town of Jos, killing three people and wounding 38; and whereas, on 21 February 2012, extremists detonated a bomb outside a church in the city of Suleja, injuring five people;

Thursday 15 March 2012

- G. whereas, on 4 March 2012, Boko Haram announced it would launch a series of coordinated attacks in order to annihilate the entire Christian community living in the northern parts of the country;
- H. whereas the freedoms of religion, belief, conscience and thought are fundamental and universal values and are essential elements of democracy; whereas the European Union has repeatedly expressed its commitment to the freedoms of religion, belief, conscience and thought, and has stressed that governments have a duty to guarantee these freedoms all over the world;
- I. whereas Boko Haram is blamed for the deaths of more than 900 people in roughly 160 separate attacks since July 2009; whereas several recent reports indicate a possible connection between Boko Haram and AQMI (Al-Qaida in the Islamic Maghreb) which could pose a serious threat to peace and security in the Sahel region and western Africa;
- J. whereas in response to the upsurge in violence, President Goodluck Jonathan declared a state of emergency in several states on 31 December 2011 and temporarily closed borders with Chad, Cameroon and Niger; whereas the President has admitted that Boko Haram has infiltrated state institutions and security forces, while corrupt officials have allegedly provided Boko Haram with weapons;
- K. whereas the problems in Nigeria stem from a lack of economic development and the tension is rooted in decades of resentment between indigenous groups vying for control of fertile farmlands with migrants and settlers from the Hausa-speaking Muslim north;
- L. whereas peaceful resolution of conflicts implies respect for human rights, access to justice and an end to impunity, as well as fair access to resources and redistribution of revenues in an oil-rich country such as Nigeria;
- M. whereas although Nigeria is the world's eighth-largest oil producer, the majority of its 148 million inhabitants live below the poverty line;
- N. whereas the Nigerian Government spends approximately USD 8 billion a year on fuel subsidies; whereas in countries that are rich in resources and with a huge divide between rich and poor such as Nigeria, subsidised gas is one of the few benefits trickling down from an infamously corrupt government that has mismanaged oil profits;
- O. whereas at the beginning of this year, violent public protest and a week-long general strike forced President Goodluck Jonathan to partially reinstate the fuel subsidy; whereas international financial institutions such as the International Monetary Fund argue that subsidies could be better used to fund education, health and other services;
- P. whereas the ruling elite's mismanagement and misuse of the country's vast natural resources – namely oil – continues largely unabated; whereas, moreover, successive oil spills from multinational oil operations, sabotage of pipelines, theft of crude oil and widespread gas flaring have led to heavy pollution of the Niger Delta; whereas, according to a UN report, the environmental restoration of Nigeria's Ogoniland oil region could turn out to be the world's most wide-ranging and long-term oil clean-up exercise if contaminated drinking water, land, creeks and other ecosystems are to be brought back to full health;
- Q. whereas the Minister for Women's Affairs and Social Development, Hajia Zainab Maina, has spoken out against the high incidence of rape and sexual violence against women in the country and stated that, in order to address this worrying development, it is imperative that the 'violence against persons' bill be passed into law;

Thursday 15 March 2012

- R. whereas, under Nigeria's federal criminal code, homosexual conduct carries a sentence of up to 14 years in prison; whereas in certain states which implement Sharia law, consensual male homosexual conduct is punishable by death, and, in the case of women, by flogging and six-month prison sentences; whereas federal legislation was also recently introduced which criminalises same-sex unions, making them punishable by sentences of up to 14 years in prison; whereas the National Assembly twice attempted to introduce such legislation but was prevented from doing so by international and domestic human rights activists;
- S. whereas Nigerian labour activists and human rights defenders Osmond Ugwu and Raphael Elobuike are being detained in Enugu Federal Prison in south-east Nigeria on charges of the attempted murder of a policeman following their arrest at a workers' rally on 24 October 2011; whereas, according to Amnesty International and Human Rights Watch, there is no evidence in the prosecution's case against them;
- T. whereas the EU is a major financial donor to Nigeria; whereas, on 12 November 2009, the Commission and the Federal Government of Nigeria signed the Nigeria-EC Country Strategy Paper and National Indicative Programme for 2008-2013, under which the EU will fund projects whose aims include peace and security and human rights;
- U. whereas, under Article 8 of the revised Cotonou Agreement, the EU engages in regular political dialogue with Nigeria on human rights and democratic principles, including ethnic, religious and racial discrimination;
1. Strongly condemns the recent violence – in particular the attacks carried out by the terrorist Islamist sect Boko Haram – and the tragic loss of lives in the stricken regions of Nigeria, and extends its sympathies to the bereaved and the injured;
  2. Urges all communities to exercise restraint and seek peaceful means to resolve differences between religious and ethnic groups in Nigeria;
  3. Urges the government of Nigeria to end the violence as quickly as possible, and to guarantee the security and protection of its population and respect for human rights;
  4. Calls upon the President of Nigeria to encourage inter-religious and inter-convictional dialogue and to enhance freedom of thought, conscience and religion;
  5. Emphasises the importance of an independent, impartial and accessible judiciary system to put an end to impunity and to enhance respect for the rule of law and for the fundamental rights of the population;
  6. Calls on the Federal Government to carry out an investigation into the causes of the most recent violence, as well as to ensure that the perpetrators of acts of violence are brought to justice; in particular, calls on the Federal Government to crack down on Boko Haram, which is boosting its strength by exploiting deep-seated religious tension in Nigeria;
  7. Underlines the importance of regional cooperation for addressing the threat posed by a possible connection between Boko Haram and AQMI; encourages the countries in the region to deepen their cooperation, including through the relevant regional organisations, in order to prevent synergies between Boko Haram and AQMI; calls on the EU institutions and Member States to lend their support to these regional efforts;
  8. Strongly condemns the killing of British citizen Chris McManus and Italian national Franco Lamolinara – two engineers working for an Italian construction company who had been held hostage by AQMI for 10 months in northern Nigeria – during a failed rescue attempt on 8 March 2012, and extends its condolences to the families of the victims;

Thursday 15 March 2012

9. Calls for a wider examination of the root causes of the conflict, including social, economic and ethnic tensions, and to avoid broad and simplistic explanations based only on religion that will not provide the basis for a long-term, lasting solution to the problems of the region;
10. Calls upon the Federal Government to protect its population and to address the root causes of the violence by ensuring equal rights for all citizens and by addressing problems involving the control of fertile farmland, unemployment and poverty;
11. Calls upon the Federal Government to fight corruption, poverty and inequality and to push for social, political and economic reforms in order to create a democratic, stable, secure, free state which takes human rights into account;
12. Appeals to the authorities to address the genuine grievances of citizens living in areas in the north of the country that are much poorer than some wealthier southern states, and prioritise the improvement of their dire living conditions, while not overlooking states with similar problems in the south;
13. Calls on the Nigerian authorities and foreign companies active in the Nigerian oil sector to help strengthen governance by improving transparency and accountability in the extractives sector, and calls on companies to abide by the Extractive Industries Transparency Initiative and publish what they pay to the Nigerian Government;
14. Stresses the need for the Nigerian authorities and multinational oil companies to do their utmost to bring ongoing contamination to an end, and to implement the United Nations Environment Programme's recommendations in order to address environmental damage that has resulted from oil pollution;
15. Strongly encourages the Nigerian authorities to ensure that the 'violence against persons' bill is passed into law and hopes that it will be instrumental in stemming the high incidence of sexual violence and other acts of violence against women;
16. Calls for the abolition of current legislation criminalising homosexuality, in some cases making it punishable by stoning; calls on the Nigerian Parliament to reject the 'Same Gender Marriage Prohibition Bill' which, if passed, would put LGBT people – both Nigerian nationals and foreigners – at serious risk of violence and arrest;
17. Calls on the government to release labour union leader Osmond Ugwu and union member Raphael Elobuike due to the lack of evidence in the prosecution's case against them;
18. Reiterates its concern regarding the full and effective respect of the right to freedom of religion for all religious minorities in a number of third countries; in this context stresses that freedom of worship is but one aspect of the right to freedom of religion, as the latter includes the freedom to change one's religion and to also manifest it in teaching, practice and observance at the individual, collective, private, public and institutional level; in this context underlines that the public element is central to religious freedom, and that to prevent Christian believers and others from expressing their faith publicly, while reducing their religion to a private phenomenon, gravely violates their right to religious freedom;
19. Underlines that obstacles still exist in many parts of the world that impede the free profession of faith or belief and calls on High Representative Ashton and on the Commission to insist on such issues in the context of its relevant initiatives concerning human rights;
20. Calls upon the High Representative, who is responsible for the European External Action Service, to undertake measures in Nigeria combining diplomacy with long-term development cooperation in order to achieve peace, security, good governance and respect for human rights;

Thursday 15 March 2012

21. Urges the EU to continue its political dialogue with Nigeria under Article 8 of the revised Cotonou Agreement, and in that context to address issues relating to universal human rights, including freedom of thought, conscience, religion or belief, and non-discrimination on any ground, as enshrined in universal, regional and national human rights instruments;

22. Instructs its President to forward this resolution to the Council and the Commission, the High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Federal Government of Nigeria, the institutions of the African Union and of ECOWAS, the United Nations Secretary-General, the United Nations General Assembly, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly and the PAN-African Parliament (PAP).

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## 6th World Water Forum

P7\_TA(2012)0091

### European Parliament resolution of 15 March 2012 on the 6th World Water Forum taking place in Marseille on 12-17 March 2012 (2012/2552(RSP))

(2013/C 251 E/18)

*The European Parliament,*

- having regard to the 6th World Water Forum taking place in Marseille on 12-17 March 2012,
- having regard to the final declarations of the first five World Water Forums, held in Marrakech (1997), The Hague (2000), Kyoto (2003), Mexico City (2006) and Istanbul (2009),
- having regard to UN General Assembly resolution 64/292 of 28 July 2010 on the human right to water and sanitation and UN Human Rights Council resolution 15/9 of 30 September 2010 on human rights and access to safe drinking water and sanitation,
- having regard to the United Nations Millennium Declaration of 8 September 2000, which set out the Millennium Development Goals as objectives established jointly by the international community for the elimination of poverty, and provided for the halving by 2015 of the proportion of the population without sustainable access to safe drinking water and basic sanitation,
- having regard to the third UN World Water Development Report, entitled 'Water in a Changing World',
- having regard to the resolution on water pollution adopted by the ACP-EU Joint Parliamentary Assembly in Budapest (16-18 May 2011),
- having regard to Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy<sup>(1)</sup> ('the Water Framework Directive'),
- having regard to its resolution of 29 September 2011 on developing a common EU position ahead of the United Nations Conference on Sustainable Development (Rio+20)<sup>(2)</sup>,

<sup>(1)</sup> OJ L 327, 22.12.2000, p. 1.

<sup>(2)</sup> Texts adopted, P7\_TA(2011)0430.



Thursday 15 March 2012

- having regard to its resolutions of 12 March 2009 on water in the light of the 5th World Water Forum in Istanbul on 16-22 March 2009 <sup>(1)</sup> and of 15 March 2006 on the Fourth World Water Forum in Mexico City (16-22 March 2006) <sup>(2)</sup>,
  - having regard to the oral question to the Commission on the 6th World Water Forum in Marseille, 12-17 March 2012 (O-000013/2012 – B7-0101/2012),
  - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas almost half of the developing world's population lacks sanitation facilities, over 800 million people still use unsafe drinking water sources, and inadequate access to safe water and sanitation services and poor hygiene practices cause the death of more than 2,5 million children every year;
- B. whereas water management impacts directly on human health, energy production, agriculture and food security, and effective water management is a fundamental precondition for poverty reduction;
- C. whereas deforestation, urbanisation, population growth, biological and chemical pollution and climate change put increased pressure on the availability and quality of safe and secure water resources, as well as causing increased risks of water-related extreme events, and poor populations are the most vulnerable to and least capable of adapting to these trends;
- D. whereas water is geographically very unequally distributed and is often best managed with a 'multi-level governance' approach that emphasises the role of regional and local authorities;
- E. whereas, in its resolutions on the 4th and 5th World Water Forums, Parliament called on the Commission and the Council to encourage EU local authorities to devote a proportion of the levies collected from users for the supply of water and sanitation services to decentralised cooperation measures, and whereas, despite the fact that action in this area would result in increased access to water and sanitation for the poorest people, such demands have not given rise to any action;
- F. whereas water infrastructure systems are often inadequate in developing countries and outdated in developed countries;
- G. whereas new technological developments have the potential to achieve increased water efficiency and sustainability, and can be used in particular to the advantage of developing countries;
- H. whereas the Water Framework Directive established a framework to protect and restore clean water in the EU and to ensure its long-term, sustainable use;
- I. whereas good water status is best achieved by reducing discharges, emissions and losses of pollutants to the environment;
- J. whereas the proposed new EU frameworks for the Common Agricultural Policy and Cohesion Policy, in the context of the Europe 2020 strategy for smart, sustainable and inclusive growth, have advocated a mainstreaming of environmental and climate issues;
- K. whereas the World Water Forum, which meets every three years, provides a unique platform where the water community and policy and decision makers from all regions of the world can come together, debate and attempt to find solutions to achieve water security;

<sup>(1)</sup> OJ C 87 E, 1.4.2010, p. 157.

<sup>(2)</sup> OJ C 291 E, 30.11.2006, p. 294.

Thursday 15 March 2012

- L. whereas the 6th World Water Forum, whose theme is 'Time for solutions', has identified 12 key priorities for water action, grouped into three strategic directions, namely 'ensure everyone's well-being', 'contribute to economic development' and 'keep the planet blue', as well as three 'conditions for success';

***Ensure everyone's well-being***

1. Declares that water is a shared resource of humankind and, therefore, should not be a source of illegitimate profit and that access to water should constitute a fundamental and universal right; welcomes the recognition by the United Nations of the human right to safe drinking water and sanitation, as derived from the right to an adequate standard of living; calls for all necessary efforts to be made to guarantee access to water to the most deprived populations by 2015;

2. Calls on the Commission and Member States to reinforce their commitment to achieve fully the United Nations Millennium Development Goals in the field of water and sanitation, and also to take into account the relevant outcomes of the Rio+20 Conference on Sustainable Development; stresses that the World Water Forum debate should aim at strategies and solutions for agricultural and economic development that can guarantee a high level of water availability and quality;

3. Underlines the need to make concrete commitments towards the promotion and protection of water resources, especially in light of the upcoming Rio+20 conference;

4. Considers public health and environmental protection as priorities for any water management policy; stresses the fundamental role of the protection of drinking water resources for human health; calls for the planning and implementing of water measures at river basin scale covering the entire hydrological cycle; points out that water pollution should be tackled at source, limiting the amount of hazardous substances that enter the environment and drinking water resource zones; calls for the implementation of the 'polluter pays' principle;

5. Underlines the role of water for peace and cooperation; calls for the conclusion and implementation of international agreements for the shared management of transboundary surface waters and groundwater, drawing populations and administrations together to ensure the sustainable management of water resources and as a safeguard against local and international conflicts;

***Contribute to economic development***

6. Stresses the need to balance water uses to ensure water demand and availability as well as quality, in particular in developing countries; calls for the adoption of integrated water resource management plans together with land planning at the international, national and local scale;

7. Calls for public and private investment in research into and development of innovative technologies for water in all fields; encourages the use of new water technology, equipment and facility in agriculture, to produce sufficient and safe food in a sustainable way, using water more efficiently and making better use of non-conventional water sources, including the reuse of treated wastewater for irrigation and industrial purposes;

8. Calls for the removal of barriers which prevent the transfer of knowledge and technology relating to water conservation, water collection, irrigation techniques, groundwater management, treatment of waste water etc.;

9. Emphasises the importance of water efficiency; calls for more efficient water usage especially in sectors where most water is used, such as the agricultural sector, as it is within these sectors that major efficiency gains can be made; calls also for minimum efficiency requirements to be set for products with major water consumption implications that are placed on the EU market, also taking into account the related energy saving potential;

Thursday 15 March 2012

10. Stresses that the sustainable use of water is as much an economic necessity as an environmental and health necessity; calls for increased transparency in water pricing schemes;

### ***Keep the planet blue***

11. Stresses that water is particularly vulnerable to the effects of climate change, which could lead to a decline in the quantity and quality of water available, particularly drinking water, as well as to a rise in the frequency and intensity of floods and droughts; calls for climate change adaptation and mitigation policies to take due account of the impact on water resources; underlines the importance of risk prevention, mitigation and response strategies to prevent water-related extreme phenomena;

12. Calls on all countries to set, by 2015, a quantitative target for the reduction of chemical and biological pollution from urban wastewater and land-based activities, in order to protect and restore water quality and to support the sustainability of water resources and ecosystems; reminds the Member States of their obligations under the Water Framework Directive to achieve good water status by 2015; calls on the Member States to take all the necessary measures and to make sufficient funding available to reach these water quality targets;

### ***Conditions for success***

13. Encourages the development of a hydrological knowledge base shared at global and EU level; calls for the development of key global indicators for water quality, quantity, availability and affordability, as well as indicators for water efficiency at river basin level;

14. Supports the development of integrated river basin management plans at global level; stresses the primary role of river basin management plans for the implementation of EU water policy under the Water Framework Directive; underlines the fundamental role of regional and local authorities in tackling global water issues in a cost-efficient way, and in preventing corruption;

15. Calls on the Commission, on behalf of the European Union, and the Member States to accede to the 1997 United Nations Convention on International Watercourses and to promote the entry into force of the amendments to the 1992 Helsinki Convention on the Protection and Use of Transboundary Watercourses and International Lakes, in order to extend the scope of this instrument beyond solely the UNECE countries, and to encourage wider ratification of the Protocol on Health and Water to the 1992 Helsinki Convention, with a view to promoting the coordinated and fair management of water in national and international basins;

16. Stresses the need to achieve a thematic concentration of available financing on water issues and to mainstream the issue of water into all policy areas, including all EU financial and legal instruments; highlights that addressing water challenges is integral to the successful transition to and functioning of a 'green economy';

17. Reiterates its call on the Commission and the Council to encourage EU local authorities to devote a proportion of the levies collected from users for the supply of water and sanitation services to decentralised cooperation measures; draws attention to the principle of '1% solidarity for water' adopted by some Member States as a possible example to promote;

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18. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of Member States and the Secretary-General of the United Nations.

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Thursday 15 March 2012

## **Human trafficking in Sinai, in particular the case of Solomon W.**

P7\_TA(2012)0092

### **European Parliament resolution of 15 March 2012 on human trafficking in Sinai, in particular the case of Solomon W. (2012/2569(RSP))**

(2013/C 251 E/19)

*The European Parliament,*

- having regard to its resolution of 16 December 2010 on Eritrean refugees held hostage in the Sinai <sup>(1)</sup>,
  - having regard to the 1948 Universal Declaration of Human Rights, especially Article 3 ('Everyone has the right to life, liberty and security of person'), Article 4, prohibiting the slave trade in all its forms, and Article 5 thereof,
  - having regard to Article 3 of the European Convention on Human Rights of 1950,
  - having regard to the Charter of Fundamental Rights of the European Union, especially Articles 1, 3, 4, 5 and 6 thereof,
  - having regard the first Conference of the Euro-Mediterranean Human Rights Network of 26-27 January 2006 in Cairo,
  - having regard to the 2000 UN Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, especially Articles 6 and 9 thereof,
  - having regard to the Brussels Declaration on Preventing and Combating Trafficking in Human Beings, adopted on 20 September 2002,
  - having regard to Convention on Action against Trafficking in Human Beings of 2005,
  - having regard to Article 2, Article 6.1, Article 7, and Article 17 ('Everyone has the right to the protection of the law against such interference or attacks') of the International Covenant on Civil and Political Rights,
  - having regard to the 1951 UN Convention Relating to the Status of Refugees and the 1967 protocol thereto,
  - having regard to the declaration of 21 September 2010 by Catherine Ashton, Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, on political prisoners in Eritrea,
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas thousands of asylum seekers and migrants lose their lives and disappear in Sinai every year while others, including many women and children, are kidnapped and held hostage for ransom by human traffickers; whereas victims of human traffickers are abused in the most dehumanising manner and are subject to systemic violence and torture, rape and sexual abuse, and forced labour;
- B. whereas in December 2011 several individuals were kidnapped outside a UN refugee camp in Sudan by human traffickers of the Rashaida tribe; whereas 27 of them, including four girls and a woman with a small child, were Eritrean and were brought to Rafah in the Sinai Mahadya in Egypt;

<sup>(1)</sup> Texts adopted, P7\_TA(2010)0496.

Thursday 15 March 2012

- C. whereas within the group women, in particular, were battered and mistreated and some of them were killed and their bodies were thrown into the desert and only Solomon, an Eritrean man of 25 years, has escaped from the hands of his kidnappers;
- D. whereas Solomon had been spared from bringing water to 125 more prisoners from Eritrea, Sudan and Ethiopia who were imprisoned in houses and stables in the village of Al Mahdya, and Solomon knows exactly where the prisoners are kept and he also witnessed the murders, tortures and rapes;
- E. whereas the Eritrean young man revealed that one of the jailers showed him a plastic bag containing human organs of a refugee who did not pay the ransom;
- F. whereas the life of Solomon is in danger, as the human organ traffickers are in close pursuit of him and have put a price of USD 50 000 on his head and, for the moment, Solomon is protected by the Salafist Bedouins of Sheikh Mohamed;
- G. whereas reportedly an average of 2 000 people enter Israel through Sinai each month, many of them have done so with the assistance of smugglers who have established a sizable network in this area; whereas, according to Israeli government estimates, around 50 000 Africans have illegally entered Israel through Sinai since 2005;
- H. whereas police arrested hundreds of irregular migrants, primarily Eritreans, Ethiopians, and Sudanese, and detained them in police stations and prisons in Sinai and Upper Egypt without access to the Office of the United Nations High Commissioner for Refugees, thereby denying them the right to make an asylum claim;
- I. whereas, according to human rights organisations, those who fail to pay the price for their release are killed and have their organs removed and traded; whereas there are reports of mass graves of killed refugees;
- J. whereas the EU has repeatedly invited Egypt and Israel to develop and improve the quality of the assistance and protection offered to asylum seekers and refugees residing or transiting on their territory;
- K. whereas the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children defines trafficking in persons as 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation';
- L. whereas trafficking in human beings is an extremely profitable business for organised crime;
1. Urges the Egyptian authorities to rapidly intervene in order to provide effective protection and secure the life of Solomon, given that the human organ traffickers are in close pursuit of him and have put a price of USD 50 000 on the fact that he knows exactly where the prisoners are kept;
  2. Calls on the Egyptian authorities to protect Solomon as a victim of trafficking in persons, and all victims of trafficking in persons, especially women and children, from becoming a victim again;
  3. Urges the Egyptian authorities to investigate this case full of murders, tortures and rapes, where women were battered and mistreated and some of them were killed and their bodies were thrown into the desert, applying the national and international law against this type of organised crime concerning human trafficking;

Thursday 15 March 2012

4. Urges the Egyptian authorities to rapidly intervene in order to ensure that these refugees are rescued and to take appropriate measures in proceeding with the arrest and prosecution of members of trafficking syndicates;
  5. Calls on the Egyptian authorities to fully implement, through its national legislation, the principles of the Conventions to which Egypt is party, i.e. the 1951 UN Convention relating to the Status of Refugees (and its optional 1967 Protocol), the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and the International Convention on the Protection of the Rights of all Migrants Workers and Members of their Family, which it ratified in 1993 and which subsequently entered into force in 2003;
  6. Urges the Egyptian authorities to take all necessary measures to stop the torture, extortion and human trafficking of Eritrean refugees and other refugees in the country, and to prosecute those who attempt to violate refugees' human rights and those who practise any form of slavery, with special regard to women and children;
  7. Applauds the activities of Egyptian and Israeli human rights organisations, which provide assistance and medical treatment to victims of human traffickers in Sinai, and urges the international community and the EU to support their work;
  8. Acknowledges that irregular migrants in Sinai pose a security risk for Egypt and Israel; however, again urges Egyptian and Israeli security forces to avoid the use of lethal force against illegal migrants;
  9. Stresses the responsibility of Egyptian and Israeli authorities to stop the human traffickers in Sinai as well as to protect the victims; welcomes the efforts of the Egyptian and Israeli governments in this regard; calls, however, for more assistance and support for the victims, with special regard to women and children;
  10. Welcomes Egypt's efforts in combating human trafficking, especially the establishment of the National Coordinating Committee for combating and preventing trafficking in persons in 2007, and calls on the Egyptian authorities to implement the 2010 anti-trafficking law and to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons;
  11. Urges Egypt, Israel and the international community to continue and further intensify their efforts to combat human smuggling and trafficking in Sinai;
  12. Calls for full access of UN agencies and human rights organisations to the areas affected by human smuggling and trafficking in Sinai;
  13. Calls on the High Representative of the Union for Foreign Affairs and Security Policy and the Commission to put this topic as a matter of high priority on the agenda of political dialogue with Egypt and to urge its government to combat human trafficking and to uphold its obligations under international refugee conventions, with a view to promoting international cooperation on taking action against trafficking in human beings;
  14. Instructs its President to forward this resolution to the High Representative / Vice-President, the Council and the Commission, to the governments and parliaments of the Member States, to the Egyptian and the Israeli governments, to the Egyptian Parliament and the Israeli Knesset, and to the UN Secretary General and the UN Human Rights Council.
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Thursday 15 March 2012

**Palestine: raids by Israeli forces on palestinian TV stations**

P7\_TA(2012)0093

**European Parliament resolution of 15 March 2012 on Palestine: raids by Israeli forces on Palestinian TV stations (2012/2570(RSP))**

(2013/C 251 E/20)

*The European Parliament,*

- having regard to the statement of 3 March 2012 by the spokesperson of High Representative Catherine Ashton concerning the closure of two Palestinian television stations,
  - having regard to the Council conclusions of 8 December 2009, 13 December 2010 and 18 July 2011 on the Middle East peace process,
  - having regard to the EU-Israel Association Agreement, and in particular its Article 2,
  - having regard to the Charter of the United Nations,
  - having regard to Article 19 of the Universal Declaration of Human Rights of 1948, which states: 'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers',
  - having regard to the International Covenant on Civil and Political Rights of 1966,
  - having regard to the Oslo Accords (Declaration of Principles on Interim Self-Government Arrangements) of 1993 and to the other agreements between Israel and the Palestinian Authority,
  - having regard to the statements by the Middle East Quartet, in particular those of 23 September 2011 and 12 March 2012,
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the EU has repeatedly confirmed its support for the two-state solution, with the state of Israel and an independent, democratic, contiguous and viable state of Palestine living side by side in peace and security;
- B. whereas on 29 February 2012 in Ramallah, Israel Defence Forces soldiers and officials of the Israeli Ministry of Communication raided two Palestinian television stations, Wattan TV and Al Quds Educational TV, confiscated transmitters, computers, broadcasting equipment, cassettes and administrative and financial documents, and held employees for hours;
- C. whereas the Israel Ministry of Communication said in a statement that it had repeatedly warned both stations that they were using frequencies that violated Israeli-Palestinian agreements and interfered with communication and transmission systems in Israel; whereas a spokesman for the Israeli military said that the interference was affecting aircraft communications at Ben Gurion International Airport;
- D. whereas the Palestinian Authority (PA) replied that the Israeli accusations concerning the interruption of flight communications were false, adding that neither itself nor the two television stations had received any warning from the Israeli authorities, and that the two stations were not guilty of any violation of the agreements between Israel and the PA, while the Israeli raids had breached those agreements, which require such issues to be resolved through consultation;

Thursday 15 March 2012

- E. whereas the EU has worked with both stations, which have been broadcasting for many years;
  - F. whereas the Oslo Accords established an Israeli-Palestinian Joint Technical Committee to address any issues arising in the telecommunications field;
  - G. whereas the Israeli raids on the two Palestinian television stations took place in Area A, which is under Palestinian civilian and security administration and control;
1. Is deeply concerned by the raids in Ramallah conducted by Israeli security forces affecting the Palestinian television stations Wattan TV and Al Quds Educational TV;
  2. Supports the efforts of the Palestinian authorities and the two television stations to restore broadcasting equipment and continue interrupted broadcasting; urges the Israeli authorities to immediately return the confiscated equipment and allow resumption of activity by the two TV stations;
  3. Calls on the Israeli authorities to fully respect the provisions of the existing agreements between Israel and the Palestinian Authority when dealing with Palestinian media; urges the Palestinian Communications Ministry to work more closely with the Israeli authorities so as to ensure that all broadcasting facilities are safe and within the law;
  4. Calls on Israel and the Palestinian Authority to make the best possible use of the Israeli-Palestinian Joint Technical Committee, established by the Oslo Accords to address any issues arising in the telecommunications field, with a view to the urgent resolution of any issues concerning broadcasting by these television channels;
  5. Welcomes Palestine's institution-building efforts; notes that raids by Israeli forces affecting Palestinian cities where the Palestinian Authority, under the Oslo Accords, has assumed powers and responsibilities over internal security and public order constitute a breach of those accords;
  6. Stresses once more that peaceful and non-violent means are the only way to achieve a sustainable solution to the Israeli-Palestinian conflict;
  7. Calls on the Vice President/High Representative, the Council, and the Commission to place this issue, which concerns the basic rights of public access to information, press freedom and freedom of expression, on the agenda of the EU-Israel Association Council, and reiterates in this context the EU's obligation to ensure consistency between the different areas of its external action and between those and its other policies, pursuant to Article 21 of the Treaty on European Union;
  8. Urges the EU and the Member States to affirm a strong and united position and to play a more active role, also within the Quartet, in the efforts to achieve a just and lasting peace between Israelis and Palestinians; stresses the central role of the Quartet, and fully supports the High Representative in her efforts to ensure that the Quartet establishes a credible perspective for the relaunching of the peace process;
  9. 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 UN General Assembly, the Governments and Parliaments of the members of the UN Security Council, the Middle East Quartet Envoy, the Knesset and the Government of Israel, the President of the Palestinian Authority and the Palestinian Legislative Council.
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Thursday 15 March 2012

## Human rights violations in Bahrain

P7\_TA(2012)0094

### European Parliament resolution of 15 March 2012 on human rights violations in Bahrain (2012/2571(RSP))

(2013/C 251 E/21)

*The European Parliament,*

- having regard to its previous resolutions of 7 July 2011 on the situation in Syria, Yemen and Bahrain in the context of the situation in the Arab world and North Africa <sup>(1)</sup>, and of 27 October 2011 on Bahrain <sup>(2)</sup>,
- having regard to its resolution of 24 March 2011 on European Union relations with the Gulf Cooperation Council <sup>(3)</sup>,
- having regard to the statements by its President of 12 April 2011 on the death of two Bahraini civil activists and of 28 April 2011 condemning the death sentences passed on four Bahrainis for participating in peaceful pro-democracy protests,
- having regard to the Hearing of 3 October 2011 on Bahrain in the European Parliament Subcommittee on Human Rights,
- having regard to the statements by the Vice-President of the Commission/High Representative (VP/HR) on Bahrain of 2011 and in particular that of 24 November 2011 on the publication of the report of the Bahrain Independent Commission of Inquiry, the Statement by the spokesperson of High Representative Catherine Ashton on the anniversary of the unrest in Bahrain on 13 February 2012, and the statements of 12 October 2011 by the VP/HR on the situation in Egypt, Syria, Yemen and Bahrain at the European Parliament,
- having regard to the Council conclusions on Bahrain of 21 March, 12 April and 23 May 2011,
- having regard to the statements of 23 June and 30 September 2011 by the UN Secretary-General on the lengthy sentences imposed on 21 Bahraini political activists, human rights defenders and opposition leaders, including in some cases life imprisonment, and the Statement by the Spokesperson for the Secretary-General on Bahrain on 15 February 2012,
- having regard to the statement of 29 September 2011 on Bahrain by the 66th UN General Assembly,
- having regard to the press statement issued by the Ministry of Foreign Affairs of the Kingdom of Bahrain on 5 October 2011 and the statement issued by the Bahrain Ministry of Health on the Sentencing of Doctors, Nurses and Medics on 30 September 2011,
- having regard to the statement of 23 October 2011 by the Bahraini Public Prosecutor regarding the retrial of doctors previously prosecuted in military trials,
- having regard to the report of the Bahrain Independent Commission of Inquiry of 23 November 2011,
- having regard to the International Covenant on Civil and Political Rights of 1966, the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Arab Charter on Human Rights, to all of which Bahrain is a party,

<sup>(1)</sup> Texts adopted, P7\_TA(2011)0333.

<sup>(2)</sup> Texts adopted, P7\_TA(2011)0475.

<sup>(3)</sup> Texts adopted, P7\_TA(2011)0109.

Thursday 15 March 2012

- having regard to Article 19(d) of Bahrain's Constitution,
  - having regard to the EU Guidelines on Human Rights Defenders of 2004, as updated in 2008,
  - having regard to the Human Rights Watch report of 28 February 2012,
  - having to the 1949 Geneva Convention,
  - having regard to the Universal Declaration of Human Rights of 1948,
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas 14 February 2012 marked the first anniversary of the peaceful popular movement calling for respect for fundamental human rights and democratic reforms; whereas government authorities made arrests and prevented peaceful protestors from gathering; whereas government forces violently cracked down on protestors; whereas tear gas, stun grenades and birdshot were used in residential areas and the police reportedly broke into several houses;
- B. whereas protests continue to be violently repressed; whereas persecution, detention and torture of human rights defenders, lawyer, teachers, health workers and bloggers who took part in the peaceful pro-democracy protests continue; whereas according to human rights organisations over 100 citizens have been arbitrarily detained over the last two months;
- C. whereas the banking and tourism-based economy, already weakened by the world financial crisis, is struggling to revive;
- D. whereas on 29 January 2012, approximately 250 political prisoners began a widespread national hunger strike because 14 prominent political and human rights activists had been arbitrarily detained since March 2011;
- E. whereas since early 2012 the Bahraini authorities have denied entry to the country to international human rights organisations and journalists, and restricted visits by them, which is a serious impediment to their ability to carry out their work;
- F. whereas the BICI (Bahrain Independent Commission of Inquiry) report, commissioned by the King last June and published in November 2011, found that 35 people had died in last year's unrest, including five security personnel and five detainees tortured to death while in custody; whereas the BICI's report concluded that excessive force had been used against peaceful protesters, political activists, human rights defenders and journalists, that torture was widespread and that many people were on trial or had been sentenced to prison terms for exercising their rights to freedom of expression and assembly; whereas in its report, the BICI expressed the view that the trials did not comply with international standards of due process, or with Bahrain's own Criminal Code;
- G. whereas the Bahraini King has accepted the findings of the report and appointed a 19-person National Commission to oversee the implementation process; whereas the National Commission is scheduled to release its conclusions on 20 March 2012 covering the management of the police, judiciary, education and media departments; whereas King Hamad Ben Issa Al Khalifa of Bahrain has publicly pledged to undertake reforms to achieve national reconciliation;
- H. whereas following the recommendations of the BICI, Bahrain has completed the setting-up of a special investigatory unit within the public prosecution department dedicated to determining the responsibilities of those who have committed unlawful or negligent acts resulting in deaths, torture and mistreatment of civilians during the last year;

Thursday 15 March 2012

- I. whereas the implementation of the BICI recommendations remains slow; whereas a process of national dialogue for reconciliation has been initiated;
- J. whereas according to several NGO reports, unfair trials before military and civilian courts are a central element of the repression of the pro-democracy protest movement in Bahrain; whereas one of the recommendations by the BICI was that all citizens tried by military courts should have their cases reviewed by ordinary courts, but this still has not been implemented in all cases;
- K. whereas the Bahraini authorities have repeatedly stated their commitment to undertake human rights reforms and to cooperate with international human rights organisations;
- L. whereas there have been several calls for the Government of Bahrain to extend a standing invitation to the Special Procedures of the UN Human Rights Council;
- M. whereas the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan Mendez, was supposed to visit Bahrain from 8 to 17 March 2012 but has been officially asked by the Bahraini authorities to delay his trip until after July 2012;
- N. whereas more than 4 000 people were reportedly dismissed from their jobs or expelled from university for having participated in the protests; whereas according to Bahraini trade unions more than 1 000 of them have still not been reinstated and whereas dozens of university students are still waiting to be allowed to resume their studies; whereas many of those reinstated have been pressured to sign statements in which they pledge to refrain from any trade union related activities and consent to being appointed to posts other than their original ones;
- O. whereas, on the basis of the events of the past year, Reporters Without Borders has identified Bahrain as an 'enemy of the internet';
  1. Welcomes BICI's recommendations and urges the Bahraini Government to take all the necessary steps to fully and swiftly implement its recommendations in order to address the most important issues, end impunity, restore social consensus, improve human rights protection in line with international human rights standards and implement major reforms;
  2. Expresses its solidarity with the victims of repression in Bahrain and their families;
  3. Condemns the ongoing violation of human rights in Bahrain and urges the Bahraini authorities and security forces to stop the excessive use of violence, including the excessive use of tear gas, repression, acts of torture, unlawful detention and prosecution of peaceful protestors, and to exercise the utmost restraint when attempting to control protests; urges the authorities to act in strict accordance with their legislation and international obligations; stresses the right to a fair trial which Bahrain has signed up to;
  4. Reiterates its call for the immediate and unconditional release of all peaceful demonstrators, political activists, human rights defenders, doctors and paramedics, bloggers and journalists, in particular Abdullhadi al-Khawaja, President of the Bahrain Centre for Human Rights, and Mahdi Abu Dheeb, President of the Bahrain Teachers' Association, who have been detained or convicted for exercising their rights to freedom of expression, association and peaceful assembly or complying with their professional obligations;
  5. Stresses that demonstrators have expressed their legitimate democratic aspirations and urges the Bahraini authorities to achieve the process of reconciliation within an inclusive and constructive dialogue, which is essential for the democratic stability of Bahrain's diverse society, in which the rights of each citizen should be equally guaranteed both by the letter of the law and in practice;

Thursday 15 March 2012

6. Urges the Bahraini authorities to conduct thorough, impartial and independent investigations into the human rights violations by the police and security forces and as a result of the military presence in Bahrain during and after the pro-democracy protests against peaceful protestors and citizens, to ensure accountability and prevent impunity for those responsible, regardless of position or rank, and to adopt measures to deter future human rights violations;
  7. Calls on the Bahraini Government to withdraw all charges and drop all convictions handed down since February 2011 in the National Safety Courts or civilian courts based on the exercise of the rights to freedom of expression, association and peaceful assembly, and all convictions based solely on confessions;
  8. Calls on the Bahraini authorities to ensure that the authorities provide all criminal defendants with prompt and full access to legal counsel, as prescribed by Bahraini and international law, including in connection with interrogations and in preparation for trials, to investigate credible allegations of torture and ill-treatment during interrogation and to hold accountable any officials who fail to meet the requirements of ensuring a fair trial;
  9. Calls on the VP/HR to hold the Bahraini Government to its promises to respect human rights, implement the necessary reforms, start independent investigations into human rights violations and ensure that those responsible are held to account, as well as to urge the Bahraini Government to drop all charges against doctors and medical staff and to release all those detained for participating in the peaceful pro-democracy protests;
  10. Calls on the Bahraini authorities to restore and respect human rights and fundamental freedoms, including freedom of expression, both online and offline, freedom of assembly, freedom of religion, women's rights and gender equality, to fight discrimination and to immediately end all restrictions on access to information and communication technologies; calls on the Bahraini authorities to lift all entry restrictions for foreign journalists and international human rights organisations and to allow monitoring of the announced independent investigations into human rights violations and the implementation of the announced reforms;
  11. Welcomes the setting-up of a Ministry for Human Rights and Social Development in Bahrain, and calls on that ministry to act in accordance with international human rights standards and obligations;
  12. Urges the national authorities as well as the European enterprises involved to take the necessary measures to ensure the immediate reinstatement of the remaining individuals who were dismissed from their jobs;
  13. Welcomes the suspension by the United States of the export of weapons, arms and other tools which can be used for the violent repression of citizens and for human rights violations and similarly calls on Member States to ensure that they abide by the European Council Common Position defining common rules governing the control of exports of military technology and equipment;
  14. Reiterates its strong opposition to the use of the death penalty and urges the Bahraini authorities to declare an immediate moratorium;
  15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States and the Government and Parliament of the Kingdom of Bahrain.
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Thursday 15 March 2012

## **Science Capacity Building in Africa: promoting European-African radio astronomy partnerships**

P7\_TA(2012)0095

### **Declaration of the European Parliament of 15 March 2012 on Science Capacity Building in Africa: promoting European-African radio astronomy partnerships**

(2013/C 251 E/22)

*The European Parliament,*

- having regard to the Joint Africa-EU Strategy, which aims at strengthening science and technology cooperation between the EU and Africa,
  - having regard to the Millennium Development Goals, which identify the essential role of science and technology for socio-economic transformation,
  - having regard to Rule 123 of its Rules of Procedure,
- A. recognising the value of research infrastructures in facilitating cooperation with Africa, promoting human capital development and addressing societal challenges, as noted in the Innovation Union and Europe 2020 Strategy,
- B. acknowledging Africa's unique competitive advantage in the study of radio astronomy, reflected in the extensive existing radio astronomy projects located in Africa (PAPER, VLBI network, MeerKAT, etc.),
- C. recognising that further European involvement in African radio astronomy can become a powerful driver of socioeconomic growth in Africa and create a new range of market opportunities for both continents,
1. Urges the Commission, Council and the parliaments of the Member States to:
    - (a) support the development of science capacity in Africa through greater investment in research infrastructures, with particular focus on radio astronomy projects,
    - (b) promote the science of radio astronomy and the innovation and research potential of radio astronomy initiatives in future Africa-EU partnerships,
    - (c) mobilise EU funding mechanisms, including the Framework Programmes and the Development Cooperation Instrument, to support these objectives;
  2. Instructs its President to forward this declaration, together with the names of the signatories <sup>(1)</sup>, to the Commission, the Council and the parliaments of the Member States.

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<sup>(1)</sup> The list of signatories is published in Annex 1 to the Minutes of 15 March 2012 (P7\_PV(2012)03-15(ANN1)).

Thursday 15 March 2012

## **Establishment of a maximum 8-hour journey limit for animals transported in the European Union for the purpose of being slaughtered**

P7\_TA(2012)0096

### **Declaration of the European Parliament of 15 March 2012 on the establishment of a maximum 8-hour journey limit for animals transported in the European Union for the purpose of being slaughtered**

(2013/C 251 E/23)

*The European Parliament,*

- having regard to Article 13 of the Treaty on the Functioning of the European Union,
  - having regard its resolution of 5 May 2010 on the evaluation of the Animal Welfare Action Plan 2006-2010, <sup>(1)</sup>
  - having regard to Rule 123 of its Rules of Procedure,
- A. whereas Council Regulation (EC) No 1/2005 acknowledges in its recitals that ‘the transport of animals over long journeys, including animals for slaughter, should be limited as far as possible’ but still allows very long transports in terms of distance and duration, causing animals severe distress, suffering and even death during such journeys;
1. Notes that the 8hours.eu petition calling for the establishment of a maximum 8-hour journey limit for animals sent for slaughter is supported by nearly one million Europeans;
  2. Calls on the Commission and the Council to review Regulation (EC) No 1/2005 to establish a maximum 8-hour limit for the journeys of animals transported for the purpose of being slaughtered;
  3. Instructs its President to forward this declaration, together with the names of the signatories <sup>(2)</sup>, to the Commission and the governments of the Member States.

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<sup>(1)</sup> OJ C 81 E, 15.3.2011, p. 25.

<sup>(2)</sup> The list of signatories is published in Annex 2 to the Minutes of 15 March 2012 (P7\_PV(2012)03-15(ANN2)).

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## **Introduction of the programme ‘Chess in School’ in the educational systems of the European Union**

P7\_TA(2012)0097

### **Declaration of the European Parliament of 15 March 2012 on the introduction of the programme ‘Chess in School’ in the educational systems of the European Union**

(2013/C 251 E/24)

*The European Parliament,*

- having regard to Articles 6 and 165 of the Treaty on the Functioning of the European Union,
  - having regard to Rule 123 of its Rules of Procedure,
- A. whereas the Treaty on the Functioning of the European Union, in its Article 6, provides that sport is among the areas ‘where the Union shall have competences to carry out actions to support, coordinate or supplement the actions of the Member States’;

Thursday 15 March 2012

- B. whereas chess is an accessible game for children from every social group and can help social cohesion and contribute to policy objectives such as social integration, combating discrimination, reducing crime rates and even the fight against various addictions;
- C. whereas whatever the age of the child, chess can improve children's concentration, patience and persistence and can develop the sense of creativity, intuition, memory, and analytic and decision-making skills; whereas chess also teaches determination, motivation and sportsmanship;
1. Calls on the Commission and the Member States to encourage the introduction of the programme 'Chess in School' in the educational systems of the Member States;
  2. Calls on the Commission, in its forthcoming communication on sport, to pay the necessary attention to the program 'Chess in School' and to ensure sufficient funding for it from 2012 onwards;
  3. Calls on the Commission to take into consideration the results of any studies on the effects of this programme on children's development;
  4. Instructs its President to forward this declaration, together with the names of the signatories <sup>(1)</sup>, to the Commission and to the Parliaments of the Member States.
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<sup>(1)</sup> The list of signatories is published in Annex 3 to the Minutes of 15 March 2012 (P7\_PV(2012)03-15(ANN3)).

Tuesday 13 March 2012

## II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES  
AND AGENCIES

## EUROPEAN PARLIAMENT

**Request for waiver of immunity of Krisztina Morvai**

P7\_TA(2012)0067

**European Parliament decision of 13 March 2012 on the request for waiver of the immunity of  
Krisztina Morvai (2010/2285(IMM))**

(2013/C 251 E/25)

*The European Parliament,*

- having regard to the request for waiver of the immunity of Krisztina Morvai, forwarded on 13 October 2010 by the Pest Central District Court in Budapest (Hungary) in connection with proceedings pending before that court and announced in plenary on 24 November 2010,
  - having heard Krisztina Morvai, in accordance with Rule 7(3) of its Rules of Procedure,
  - having regard to the written submissions from the Pest Central District Court of 19 December 2011 in reply to the request of the Committee on Legal Affairs under Rule 7(3) for further information and explanations,
  - having regard to Articles 8 and 9 of the Protocol No 7 on the Privileges and Immunities of the European Union, annexed to the Treaty on the Functioning of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
  - having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010 and 6 September 2011 <sup>(1)</sup>,
  - having regard to Rules 6(2) and 7 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs (A7-0050/2012),
- A. whereas the Pest Central District Court has requested the waiver of the parliamentary immunity of a Member of the European Parliament, Krisztina Morvai, in connection with proceedings before it;
- B. whereas the request by the Court relates to criminal proceedings relating to the criminal offence of public defamation in connection with statements made by Krisztina Morvai concerning a private individual in Hungary;

<sup>(1)</sup> Case 101/63 *Wagner v Fohrmann and Krier* [1964] ECR 195, Case 149/85 *Wybot v Faure and Others* [1986] ECR 2391, Case T-345/05 *Mote v Parliament* [2008] ECR II-2849, Joined Cases C-200/07 and C-201/07 *Marra v De Gregorio and Clemente* [2008] ECR I-7929, Case T-42/06 *Gollnisch v Parliament* (not yet published in the ECR) and Case C-163/10 *Patriciello* (not yet published in the ECR).



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**Tuesday 13 March 2012**

- C. whereas, according to Article 8 of the Protocol on the Privileges and Immunities of the European Union, Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties;
- D. whereas the facts of the case, as manifested in the submissions from the Court to the Committee on Legal Affairs, indicate that the statements were made at a time when Krisztina Morvai was not a Member of the European Parliament;
1. Decides to waive the immunity of Krisztina Morvai;
  2. Instructs its President to forward this decision and the report of its competent committee immediately to the competent authority of Hungary and to Krisztina Morvai.
-

Wednesday 14 March 2012

**Mandate of the special committee on organised crime, corruption and money laundering, its powers, numerical composition and term of office**

P7\_TA(2012)0078

**European Parliament decision of 14 March 2012 on setting up a special committee on organised crime, corruption and money laundering, its powers, numerical composition and term of office**

(2013/C 251 E/26)

*The European Parliament,*

- having regard to the decision of the Conference of Presidents of 16 February 2012 to propose that a special committee on organised crime, corruption and money laundering be set up and its powers and numerical composition defined,
- having regard to its resolution of 25 October 2011 on organised crime in the European Union <sup>(1)</sup>, whereby it expressed its intention to set up a special committee,
- having regard to its resolution of 15 September 2011 on the EU's efforts to combat corruption <sup>(2)</sup>,
- having regard to Rule 184 of its Rules of Procedure,

1. Decides to set up a special committee on organised crime, corruption and money laundering, with the following remit:

- (a) to analyse and evaluate the extent of organised crime, corruption and money laundering and its impact on the Union and its Member States and to propose appropriate measures to enable the Union to forestall and counter these threats, including at international, European and national level;
- (b) to analyse and evaluate the current implementation of Union legislation on organised crime, corruption and money laundering, and related policies, in order to ensure that Union law and policies are evidence-based and supported by the best available threat assessments, as well as to monitor their compatibility with fundamental rights in accordance with Articles 2 and 6 of the Treaty on European Union, in particular the rights set out in the Charter of Fundamental Rights of the European Union, and the principles underpinning the Union's external action, in particular those set out in Article 21 of the Treaty;
- (c) to examine and scrutinise the implementation of the role and activities of the Union home affairs agencies (such as Europol, the COSI and Eurojust) working on matters relating to organised crime, corruption and money laundering, and related security policies;
- (d) to address the issues referred to in its resolution of 25 October 2011 on organised crime in the European Union, and notably paragraph 15 thereof <sup>(3)</sup>, as well as in its resolution of 15 September 2011 on the EU's efforts to combat corruption,

<sup>(1)</sup> Texts adopted, P7\_TA(2011)0459.

<sup>(2)</sup> Texts adopted, P7\_TA(2011)0388.

<sup>(3)</sup> That paragraph reads as follows: ' 15. Intends to set up, within three months of the adoption of this resolution, a special committee on the dissemination of criminal organisations which operate across borders, including mafias, one of whose aims will be to investigate the extent of the phenomenon and the negative social and economic impact it has throughout the EU, including the issue of the misappropriation of public funds by criminal organisations and mafias and their infiltration into the public sector, as well as the contamination of the legal economy and financial system, while another aim will be to identify a range of legislative measures in order to address this tangible and acknowledged threat to the EU and its citizens; calls, therefore, on the Conference of Presidents to put forward a proposal under Rule 184 of the Rules of Procedure'.

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**Wednesday 14 March 2012**

- (e) to these ends, to establish the necessary contacts, make visits and hold hearings with the European Union institutions and with the international, European and national institutions, the national parliaments and governments of the Member States and of third countries, and representatives of the scientific community, business and civil society, as well as grassroots actors, victims' organisations, the officials involved in the daily fight against organised crime, corruption and money laundering, such as law enforcement agencies, judges and magistrates, and civil society actors who promote a culture of legality in difficult areas;
2. Decides, given that the powers of Parliament's standing committees with responsibility for matters concerning the adoption, monitoring and implementation of Union legislation relating to this area remain unchanged, that the special committee may make recommendations regarding the measures and initiatives to be taken, in close collaboration with the standing committees;
3. Decides that the special committee shall have 45 members;
4. Decides that the term of office of the special committee shall be 12 months, beginning on 1 April 2012, with the possibility of extension; decides that the special committee shall present to Parliament a mid-term report and a final report containing recommendations concerning the measures and initiatives to be taken.
-

Tuesday 13 March 2012

III

(Preparatory acts)

EUROPEAN PARLIAMENT

**Agreement between the EU, Iceland and Norway on the application of certain provisions of the Convention on Mutual Assistance in Criminal Matters \*\*\***

P7\_TA(2012)0066

**European Parliament legislative resolution of 13 March 2012 on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union and the 2001 Protocol thereto (05306/2010 – C7-0030/2010 – 2009/0189(NLE))**

(2013/C 251 E/27)

(Consent)

*The European Parliament,*

- having regard to the draft Council decision (05306/2010),
  - having regard to the draft agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union and the 2001 Protocol thereto (14938/2003),
  - having regard to the request for consent submitted by the Council in accordance with Article 82(1), point (d) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0030/2010),
  - having regard to Rules 81 and 90(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A7-0020/2012),
1. Consents to the 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, of the Republic of Iceland and of the Kingdom of Norway.

Tuesday 13 March 2012

**Jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession \*\*\*I**

P7\_TA(2012)0068

**European Parliament legislative resolution of 13 March 2012 on the proposal for a regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession (COM(2009)0154 – C7-0236/2009 – 2009/0157(COD))**

(2013/C 251 E/28)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2009)0154),
  - having regard to Article 251(2) and Article 61(c) and the second indent of Article 67(5) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0236/2009),
  - 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 81(2) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 14 July 2010 <sup>(1)</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs (A7-0045/2012),
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.

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<sup>(1)</sup> OJ C 44, 11.2.2011, p. 148.

**P7\_TC1-COD(2009)0157**

**Position of the European Parliament adopted at first reading on 13 March 2012 with a view to the adoption of Regulation (EU) No .../2012 of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 650/2012.)*

Wednesday 14 March 2012

## European Fisheries Fund \*\*\*I

P7\_TA(2012)0074

**European Parliament legislative resolution of 14 March 2012 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1198/2006 on the European Fisheries Fund, as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability (COM(2011)0484 – C7-0219/2011 – 2011/0212(COD))**

(2013/C 251 E/29)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0484),
  - 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 (C7-0219/2011),
  - 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 27 October 2011 <sup>(1)</sup>,
  - having regard to the undertaking given by the Council representative by letter of 3 February 2012 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 (A7-0447/2011),
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.

<sup>(1)</sup> OJ C 24, 28.1.2012, p. 84.

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## P7\_TC1-COD(2011)0212

**Position of the European Parliament adopted at first reading on 14 March 2012 with a view to the adoption of Regulation (EU) No .../2012 of the European Parliament and of the Council amending Council Regulation (EC) No 1198/2006 on the European Fisheries Fund, as regards certain provisions relating to financial management for certain Members States experiencing or threatened with serious difficulties with respect to their financial stability**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 387/2012.)*

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Wednesday 14 March 2012

**Autonomous tariff quota for imports of high-quality beef \*\*\*I**

P7\_TA(2012)0075

**European Parliament legislative resolution of 14 March 2012 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 617/2009 opening an autonomous tariff quota for imports of high-quality beef (COM(2011)0384 – C7-0170/2011 – 2011/0169(COD))**

(2013/C 251 E/30)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0384),
  - having regard to Article 294(2) and Article 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0170/2011),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the undertaking given by the Council representative by letter of 13 February 2012 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on International Trade and the opinion of the Committee on Agriculture and Rural Development (A7-0025/2012),
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(2011)0169****Position of the European Parliament adopted at first reading on 14 March 2012 with a view to the adoption of Regulation (EU) No .../2012 of the European Parliament and of the Council amending Council Regulation (EC) No 617/2009 opening an autonomous tariff quota for imports of high-quality beef***(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 464/2012.)*

Wednesday 14 March 2012

## **Common commercial policy \*\*\*I**

P7\_TA(2012)0076

**European Parliament legislative resolution of 14 March 2012 on the proposal for a regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures (COM(2011)0082 – C7-0069/2011 – 2011/0039(COD))**

(2013/C 251 E/31)

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0082),
  - having regard to Article 294(2) and Article 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0069/2011),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on International Trade (A7-0028/2012),
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.

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## **P7\_TC1-COD(2011)0039**

**Position of the European Parliament adopted at first reading on 14 March 2012 with a view to the adoption of Regulation (EU) No .../2012 of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures**

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 207 thereof,

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure <sup>(1)</sup>,

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<sup>(1)</sup> Position of the European Parliament of 14 March 2012.



Wednesday 14 March 2012

Whereas:

- (1) A number of basic regulations relating to the common commercial policy provide that acts implementing the common commercial policy are to be adopted by the Council in accordance with procedures set down in the various instruments concerned or by the Commission subject to specific procedures and control by the Council. Such procedures are not subject to Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>.
- (2) It is appropriate to amend those basic regulations in order to ensure consistency with the provisions introduced by the Treaty of Lisbon. This should be done, where appropriate, through the granting of delegated powers to the Commission and by applying certain procedures set out in 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 <sup>(2)</sup>.
- (3) The following regulations should therefore be amended accordingly:
  - Regulation (EEC) No 2841/72 of the Council of 19 December 1972 on the safeguard measures provided for in the Agreement between the European Economic Community and the Swiss Confederation <sup>(3)</sup>,
  - Regulation (EEC) No 2843/72 of the Council of 19 December 1972 on the safeguard measures provided for in the Agreement between the European Economic Community and the Republic of Iceland <sup>(4)</sup>,
  - Regulation (EEC) No 1692/73 of the Council of 25 June 1973 on the safeguard measures provided for in the Agreement between the European Economic Community and the Kingdom of Norway <sup>(5)</sup>,
  - **Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products <sup>(6)</sup>, [AM 1]**
  - Council Regulation (EC) No 3286/94 of 22 December 1994 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization <sup>(7)</sup>,
  - Council Regulation (EC) No 385/96 of 29 January 1996 on protection against injurious pricing of vessels <sup>(8)</sup>,
  - Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom <sup>(9)</sup>,

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

<sup>(2)</sup> OJ L 55, 28.2.2011, p. 13.

<sup>(3)</sup> OJ L 300, 31.12.1972, p. 284.

<sup>(4)</sup> OJ L 301, 31.12.1972, p. 162.

<sup>(5)</sup> OJ L 171, 27.6.1973, p. 103.

<sup>(6)</sup> **OJ L 318, 20.12.1993, p. 18.**

<sup>(7)</sup> OJ L 349, 31.12.1994, p. 71.

<sup>(8)</sup> OJ L 56, 6.3.1996, p. 21.

<sup>(9)</sup> OJ L 309, 29.11.1996, p. 1.

**Wednesday 14 March 2012**

- Council Regulation (EC) No 1515/2001 of 23 July 2001 on the measures that may be taken by the Community following a report adopted by the WTO Dispute Settlement Body concerning anti-dumping and anti-subsidy matters <sup>(1)</sup>,
- Council Regulation (EC) No 2248/2001 of 19 November 2001 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part and for applying the Interim Agreement between the European Community and the Republic of Croatia <sup>(2)</sup>,
- Council Regulation (EC) No 153/2002 of 21 January 2002 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, and for applying the Interim Agreement between the European Community and the Former Yugoslav Republic of Macedonia <sup>(3)</sup>,
- Council Regulation (EC) No 427/2003 of 3 March 2003 on a transitional product-specific safeguard mechanism for imports originating in the People's Republic of China and amending Regulation (EC) No 519/94 on common rules for imports from certain third countries <sup>(4)</sup>,
- Council Regulation (EC) No 452/2003 of 6 March 2003 on measures that the Community may take in relation to the combined effect of anti-dumping or anti-subsidy measures with safeguard measures <sup>(5)</sup>,
- Council Regulation (EC) No 673/2005 of 25 April 2005 establishing additional customs duties on imports of certain products originating in the United States of America <sup>(6)</sup>,
- **Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment <sup>(7)</sup>, [AM 2]**
- Council Regulation (EC) No 1616/2006 of 23 October 2006 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part, and for applying the Interim Agreement between the European Community and the Republic of Albania <sup>(8)</sup>,
- Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements <sup>(9)</sup>,
- Council Regulation (EC) No 140/2008 of 19 November 2007 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, and for applying the Interim Agreement between the European Community, of the one part, and the Republic of Montenegro, of the other part <sup>(10)</sup>,

<sup>(1)</sup> OJ L 201, 26.7.2001, p. 10.

<sup>(2)</sup> OJ L 304, 21.11.2001, p. 1.

<sup>(3)</sup> OJ L 25, 29.1.2002, p. 16.

<sup>(4)</sup> OJ L 65, 8.3.2003, p. 1.

<sup>(5)</sup> OJ L 69, 13.3.2003, p. 8.

<sup>(6)</sup> OJ L 110, 30.4.2005, p. 1.

<sup>(7)</sup> **OJ L 200, 30.7.2005, p.1.**

<sup>(8)</sup> OJ L 300, 31.10.2006, p. 1.

<sup>(9)</sup> OJ L 348, 31.12.2007, p. 1.

<sup>(10)</sup> OJ L 43, 19.2.2008, p. 1.

Wednesday 14 March 2012

- Council Regulation (EC) No 55/2008 of 21 January 2008 introducing autonomous trade preferences for the Republic of Moldova and amending Regulation (EC) No 980/2005 and Commission Decision 2005/924/EC <sup>(1)</sup>,
  - Council Regulation (EC) No 594/2008 of 16 June 2008 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, and for applying the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part <sup>(2)</sup>,
  - Council Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 and amending Regulations (EC) No 552/97, (EC) No 1933/2006 and Commission Regulations (EC) No 1100/2006 and (EC) No 964/2007 <sup>(3)</sup>,
  - Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community <sup>(4)</sup>,
  - Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports <sup>(5)</sup>,
  - Council Regulation (EC) No 625/2009 of 7 July 2009 on common rules for imports from certain third countries <sup>(6)</sup>,
  - Council Regulation (EC) No 1061/2009 of 19 October 2009 establishing common rules for exports <sup>(7)</sup>,
  - ~~Council Regulation (EC) No 1215/2009 of 30 November 2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process <sup>(8)</sup>, [AM 3]~~
  - Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community <sup>(9)</sup>.
- (4) In order to ensure legal certainty, it is necessary that the procedures for the adoption of measures which have been initiated but not completed before the entry into force of this Regulation are not affected by this Regulation,

HAVE ADOPTED THIS REGULATION:

## Article 1

The Regulations listed in the Annex to this Regulation are hereby adapted, in accordance with the Annex, to Article 290 of the Treaty or to the applicable provisions of Regulation (EU) No 182/2011.

## Article 2

References to provisions of the instruments in the Annex shall be construed as being made to those provisions as adapted by this Regulation.

<sup>(1)</sup> OJ L 20, 24.1.2008, p. 1.

<sup>(2)</sup> OJ L 169, 30.6.2008, p. 1.

<sup>(3)</sup> OJ L 211, 6.8.2008, p. 1.

<sup>(4)</sup> OJ L 188, 18.7.2009, p. 93.

<sup>(5)</sup> OJ L 84, 31.3.2009, p. 1.

<sup>(6)</sup> OJ L 185, 17.7.2009, p. 1.

<sup>(7)</sup> OJ L 291, 7.11.2009, p. 1.

<sup>(8)</sup> ~~OJ L 328, 15.12.2009, p. 1.~~

<sup>(9)</sup> OJ L 343, 22.12.2009, p. 51.

Wednesday 14 March 2012

References made to the former names of committees shall be construed as being made to the new names as provided for by this Regulation.

*Throughout the Regulations listed in the Annex, any reference to 'European Community', 'Community', 'European Communities' or 'Communities' shall be understood as a reference to the European Union or Union; any reference to the words 'common market' shall be understood as a reference to 'internal market'; any reference to the words 'Committee provided for in Article 113', 'Committee provided for in Article 133', 'Committee referred to in Article 113' and 'Committee referred to in Article 133' shall be understood as a reference to 'Committee provided for in Article 207'; any reference to the words 'Article 113 of the Treaty' or 'Article 133 of the Treaty' shall be understood as a reference to 'Article 207 of the Treaty'. [AM 4]*

#### Article 3

This Regulation shall not affect procedures initiated for the adoption of measures provided for in the Regulations listed in the Annex whenever, on or before the entry into force of this Regulation:

- (a) the Commission has adopted an act; or
- (b) consultation is required under one of the Regulations and such consultations have been initiated; or,
- (c) a proposal is required under one of the Regulations and the Commission has adopted such a proposal.

#### Article 4

This Regulation shall enter into force on the 30th day following that of its publication in the *Official Journal of the European Union*.

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

Done at,

For the European Parliament  
The President

For the Council  
The President

\_\_\_\_\_

Wednesday 14 March 2012

## ANNEX

List of Regulations falling under the common commercial policy and adapted to Article 290 of the Treaty or to the applicable provisions of 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 <sup>(1)</sup>.

**1. REGULATION (EEC) NO 2841/72 OF THE COUNCIL OF 19 DECEMBER 1972 ON THE SAFEGUARD MEASURES PROVIDED FOR IN THE AGREEMENT BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE SWISS CONFEDERATION <sup>(2)</sup>**

As regards Regulation (EEC) No 2841/72, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EEC) No 2841/72 is amended as follows:

**-1. The following Recital 3a is inserted:**

*"Whereas, in order to ensure uniform conditions for the adoption of provisional and definitive safeguard measures for the implementation of the safeguard clauses of the bilateral Agreement, implementing powers should be conferred on the Commission. Those powers should be exercised 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 <sup>(\*)</sup>;*

<sup>(\*)</sup> OJ L 55, 28.2.2011, p. 13."

[AM 5]

**-1a. The following Recital 3b is inserted:**

*"Whereas the advisory procedure should be used for the adoption of provisional measures given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures;"*

[AM 6]

**1. Article 1 is replaced by the following:**

*"Article 1*

*The Commission may decide to refer to the Joint Committee established by the Agreement between the European Economic Community and the Swiss Confederation hereinafter referred to as the 'Agreement' for the purpose of taking the measures provided for in Articles 22, 24, 24a and 26 of the Agreement. Where necessary, the Commission shall adopt those measures in accordance with the examination procedure referred to in Article 7(2) of this Regulation."*

**2. In Article 2(1), the second sentence is replaced by the following:**

*"Where necessary, the Commission shall adopt safeguard measures in accordance with the examination procedure referred to in Article 7(2)".*

<sup>(1)</sup> OJ L 55, 28.2.2011, p. 13.

<sup>(2)</sup> OJ L 300, 31.12.1972, p. 284.

**Wednesday 14 March 2012**

3. Article 4 is replaced by the following:

"Article 4

1. Where exceptional circumstances require immediate action in the situations referred to in Articles 24, 24a and 26 of the Agreement or in the case of export aids that have a direct and immediate effect on trade, the precautionary measures provided for in Article 27(3)(e) of the Agreement may be adopted by the Commission in accordance with the **advisory** procedure referred to in ~~Article 7(2)~~ **Article 7(1a)** of this Regulation. In cases of urgency, Article 7(3) shall apply. [AM 7]

2. Where the Commission is asked to take action by a Member State, it shall take a decision within a maximum period of five working days of receipt of the request."

**3a. Article 5 is deleted. [AM 8]**

4. The following article is added:

"Article 7

1. The Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports (\*). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

**1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 9]**

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~182/2011~~ **182/2011** shall apply in conjunction with ~~Article 5~~ **Article 4** thereof. [AM 10]

**3a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 11]**

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(\*) OJ L 84, 31.3.2009, p. 1."

**4a. The following article is added:**

"Article 7a

1. **The Commission shall present a biannual report on the application and implementation of the Agreement to the European Parliament. The report shall include information about the activities of the various bodies responsible for monitoring the implementation of the Agreement and fulfilment of the obligations arising therefrom, including obligations concerning barriers to trade.**

2. **The report shall also present a summary of the statistics and the evolution of trade with the Swiss Confederation.**

3. **The report shall include information on the implementation of this Regulation.**

4. **The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of the Agreement.**

Wednesday 14 March 2012

5. *No later than six months after presenting the report to the European Parliament, the Commission shall make the report public.*"

[AM 12]

2. **REGULATION (EEC) NO 2843/72 OF THE COUNCIL OF 19 DECEMBER 1972 ON THE SAFEGUARD MEASURES PROVIDED FOR IN THE AGREEMENT BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE REPUBLIC OF ICELAND <sup>(1)</sup>**

As regards Regulation (EEC) No 2843/72, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EEC) No 2843/72 is amended as follows:

-1. *The following Recital 3a is inserted:*

*"Whereas, in order to ensure uniform conditions for the adoption of provisional and definitive safeguard measures for the implementation of the safeguard clauses of the bilateral Agreement, implementing powers should be conferred on the Commission. Those powers should be exercised 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 (\*);*

(\*) *OJ L 55, 28.2.2011, p. 13.*"

[AM 13]

-1a. *The following Recital 3b is inserted:*

*"Whereas the advisory procedure should be used for the adoption of provisional measures given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures;"*

[AM 14]

1. Article 1 is replaced by the following:

*"Article 1*

*The Commission may decide to refer to the Joint Committee established by the Agreement between the European Economic Community and the Republic of Iceland hereinafter referred to as the 'Agreement' for the purpose of taking the measures provided for in Articles 23, 25, 25a and 27 of the Agreement. Where necessary, the Commission shall adopt those measures in accordance with the examination procedure referred to in Article 7(2) of this Regulation."*

2. In Article 2(1), the second sentence is replaced by the following:

*"Where necessary, the Commission shall adopt safeguard measures in accordance with the examination procedure referred to in Article 7(2)."*

<sup>(1)</sup> OJ L 301, 31.12.1972, p. 162.

**Wednesday 14 March 2012**

3. Article 4 is replaced by the following:

"Article 4

1. Where exceptional circumstances require immediate action in the situations referred to in Articles 25, 25a and 27 of the Agreement or in the case of export aids that have a direct and immediate effect on trade, the precautionary measures provided for in Article 28(3)(e) of the Agreement may be adopted by the Commission in accordance with the **advisory** procedure referred to in ~~Article 7(2)~~ **Article 7(1a)** of this Regulation. In cases of urgency, Article 7(3) shall apply. [AM 15]

2. Where the Commission is asked to take action by a Member State, it shall take a decision within a maximum period of five working days of receipt of the request."

**3a. Article 5 is deleted. [AM 16]**

4. The following article is added:

"Article 7

1. The Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports (\*). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

**1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 17]**

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~182/2011~~ **182/2011** shall apply in conjunction with ~~Article 5~~ **Article 4** thereof. [AM 18]

**3a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 19]**

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(\*) OJ L 84, 31.3.2009, p. 1."

**4a. The following article is added:**

"Article 7a

1. **The Commission shall present a biannual report on the application and implementation of the Agreement to the European Parliament. The report shall include information about the activities of the various bodies responsible for monitoring the implementation of the Agreement and fulfilment of the obligations arising therefrom, including obligations concerning barriers to trade.**

2. **The report shall also present a summary of the statistics and the evolution of trade with Republic of Iceland.**

3. **The report shall include information on the implementation of this Regulation.**

4. **The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of the Agreement.**



Wednesday 14 March 2012

5. *No later than six months after presenting the report to the European Parliament, the Commission shall make the report public.*"

[AM 20]

3. **REGULATION (EEC) NO 1692/73 OF THE COUNCIL OF 25 JUNE 1973 ON THE SAFEGUARD MEASURES PROVIDED FOR IN THE AGREEMENT BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE KINGDOM OF NORWAY <sup>(1)</sup>**

As regards Regulation (EEC) No 1692/73, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EEC) No 1692/73 is amended as follows:

-1. *The following Recital 3a is inserted:*

*"Whereas, in order to ensure uniform conditions for the adoption of provisional and definitive safeguard measures for the implementation of the safeguard clauses of the bilateral Agreement, implementing powers should be conferred on the Commission. Those powers should be exercised 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 (\*);*

(\*) *OJ L 55, 28.2.2011, p. 13.*"

[AM 21]

-1a. *The following Recital 3b is inserted:*

*"Whereas the advisory procedure should be used for the adoption of provisional measures given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures;"*

[AM 22]

1. Article 1 is replaced by the following:

*"Article 1*

*The Commission may decide to refer to the Joint Committee established by the Agreement between the European Economic Community and the Kingdom of Norway hereinafter referred to as the 'Agreement' for the purpose of taking the measures provided for in Articles 22, 24, 24a and 26 of the Agreement. Where necessary, the Commission shall adopt these measures in accordance with the examination procedure referred to in Article 7(2) of this Regulation."*

2. In Article 2(1), the second sentence is replaced by the following:

*"Where necessary, the Commission shall adopt safeguard measures in accordance with the examination procedure referred to in Article 7(2)."*

<sup>(1)</sup> OJ L 171, 26.6.1973, p. 103.

**Wednesday 14 March 2012**

3. Article 4 is replaced by the following:

"Article 4

1. Where exceptional circumstances require immediate action in the situations referred to in Articles 24, 24a and 26 of the Agreement or in the case of export aids that have a direct and immediate effect on trade, the precautionary measures provided for in Article 27(3)(e) of the Agreement may be adopted by the Commission in accordance with the **advisory** procedure referred to in ~~Article 7(2)~~ **Article 7(1a)** of this Regulation. In cases of urgency, Article 7(3) shall apply. [AM 23]

2. Where the Commission is asked to take action by a Member State, it shall take a decision within a maximum period of five working days of receipt of the request."

**3a. Article 5 is deleted. [AM 24]**

4. The following article is added:

"Article 7

1. The Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports (\*). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

**1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 25]**

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~182/2011~~ **182/2011** shall apply in conjunction with ~~Article 5~~ **Article 4** thereof. [AM 26]

**3a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 27]**

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(\*) OJ L 84, 31.3.2009, p. 1."

**4a. The following article is added:**

"Article 7a

1. *The Commission shall present a biannual report on the application and implementation of the Agreement to the European Parliament. The report shall include information about the activities of the various bodies responsible for monitoring the implementation of the Agreement and fulfilment of the obligations arising therefrom, including obligations concerning barriers to trade.*

2. *The report shall also present a summary of the statistics and the evolution of trade with the Kingdom of Norway.*

3. *The report shall include information on the implementation of this Regulation.*

4. *The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of the Agreement.*

Wednesday 14 March 2012

5. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."

[AM 28]

3A. COUNCIL REGULATION (EC) NO 3448/93 OF 6 DECEMBER 1993 LAYING DOWN THE TRADE ARRANGEMENTS APPLICABLE TO CERTAIN GOODS RESULTING FROM THE PROCESSING OF AGRICULTURAL PRODUCTS <sup>(1)</sup> [AM 29]

As regards Regulation (EC) No 3448/93, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission for the purpose of adopting detailed rules and amending Annex B to that Regulation. Moreover, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 3448/93 is amended as follows:

[AM 30]

1. The following Recital 17a is inserted:

"Whereas, in order to adopt the provisions necessary for the application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of adopting detailed rules for applying paragraphs 1 to 3 of Article 6 pursuant to Article 6(4), detailed rules for determining and managing reduced agricultural components pursuant to Article 7(2), and amending Table 2 of Annex B. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council;"

[AM 31]

2. Recital 18 is replaced by the following:

"Whereas, in order to ensure uniform conditions for the adoption of various measures and adopting detailed rules for communication between the Commission and Member States, implementing powers should be conferred on the Commission. Those powers should be exercised 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 (\*);

(\*) OJ L 55, 28.2.2011, p. 13."

[AM 32]

3. In Article 2, paragraph 4 is replaced by the following:

"4. The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b concerning detailed rules for application of this Regulation."

[AM 33]

4. In Article 6(4), the first subparagraph is replaced by the following:

"4. The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b concerning detailed rules for applying this Article."

[AM 34]

<sup>(1)</sup> OJ L 318, 20.12.1993, p. 18.

Wednesday 14 March 2012

5. In Article 7(2), the introductory wording is replaced by the following:

"2. Where a preferential agreement provides for a reduction in the agricultural component, whether or not within the limits of a tariff quota, the Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b concerning detailed rules for determining and managing such reduced agricultural components, provided that the agreement specifies:"

[AM 35]

6. In Article 7, paragraph 3 is replaced by the following:

"3. The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b concerning detailed rules necessary for initiating and managing reductions in the non-agricultural components of the charge."

[AM 36]

7. Article 8 is amended as follows:

- (a) Paragraph 3 is replaced by the following:

"3. The common implementing rules for the refund arrangements referred to in this Article shall be adopted in accordance with the examination procedure referred to in Article 16(2)."

- (b) In paragraph 4, second subparagraph is replaced by the following:

"These amounts shall be established in accordance with the examination procedure referred to in Article 16(2). The implementing rules which may be necessary pursuant to this paragraph, and in particular measures to ensure that goods declared for export under a preferential arrangement are not in fact exported under a non-preferential arrangement or vice versa, shall be adopted in accordance with the same procedure."

- (c) Paragraph 6 is replaced by the following:

"6. The amount below which small exporters may be exempted from presentation of certificates under the export refund arrangements shall be set at EUR 50 000 per year. This ceiling may be adjusted, in accordance with the examination procedure referred to in Article 16(2)."

[AM 37]

8. Article 9 is replaced by the following:

"Article 9

Where, pursuant to a regulation on the common organisation of a particular market, levies, charges or other measures are applied to exports of an agricultural product listed in Annex A, appropriate measures with regard to certain goods the export of which is likely to hinder achievement of the objective in the agricultural sector in question, because of the high content of the agricultural product concerned and the uses to which they may be put, may be decided, in accordance with the examination procedure referred to in Article 16(2), taking due account of the specific interest of the processing industry. In case of urgency the Commission shall adopt immediately applicable provisional measures in accordance with the procedure referred to Article 16(3)."

[AM 38]

Wednesday 14 March 2012

9. In Article 10a(4), the first subparagraph is replaced by the following:

"4. The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b concerning detailed implementing rules."

[AM 39]

10. In Article 11(1), the third subparagraph is replaced by the following:

"The detailed rules for the application of the second subparagraph, making it possible to determine the basic products to be admitted under inward processing arrangements and check and plan the quantities thereof, shall guarantee greater clarity for operators through prior publication of indicative import quantities for each individual COM. These shall be published on a regular basis, depending on the use of such quantities. The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b concerning detailed application rules."

[AM 40]

11. In Article 12, paragraph 2 is replaced by the following:

"2. The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b to amend Table 2 of Annex B in order to adapt it to the agreements concluded by the Union."

[AM 41]

12. In Article 13(2), the second subparagraph is replaced by the following:

"The Commission shall be empowered to adopt delegated acts in accordance with Articles 14a and 14b to amend this Regulation."

[AM 42]

13. Article 14 is replaced by the following:

"Article 14

1. The threshold or thresholds below which the amounts established in accordance with Articles 6 and 7 shall be fixed at zero may be laid down in accordance with the examination procedure referred to in Article 16(2). In case of urgency the Commission shall adopt immediately applicable provisional measures in accordance with the procedure referred to in Article 16(3). The non-application of these agricultural components may be made subject to special conditions, in accordance with the same procedure, in order to avoid creating artificial trade flows.

2. A threshold below which Member States may refrain from applying amounts to be granted or levied pursuant to this Regulation, in connection with a given economic transaction, may be established in accordance with the examination procedure referred to in Article 16(2) if the balance of these amounts is lower than the threshold. In case of urgency the Commission shall adopt immediately applicable provisional measures in accordance with the procedure referred to in Article 16(3)."

[AM 43]

Wednesday 14 March 2012

14. The following article is inserted:

"Article 14a

*The Commission shall be empowered to adopt delegated acts in accordance with Article 14b concerning detailed rules for applying Article 4(1) and (2), for applying paragraphs 1 to 3 of Article 6 pursuant to Article 6(4), for determining and managing reduced agricultural components pursuant to Article 7(2), and to amend Table 2 of Annex B.*

[AM 44]

15. The following article is inserted:

"Article 14b

1. *The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*

2. *The power to adopt delegated acts referred to in Article 7 shall be conferred on the Commission for a period of five years from ... (\*). The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

3. *The delegation of power referred to in Article 7 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

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

5. *A delegated act adopted pursuant to Article 7 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by four months at the initiative of the European Parliament or the Council.*

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(\* ) *Date of entry into force of this Regulation.*"

[AM 319]

16. Article 16 is replaced by the following:

"Article 16

1. *The Commission shall be assisted by a committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I (hereinafter referred to as 'the Committee').*

2. *Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*

Wednesday 14 March 2012

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof.

4. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."

[AM 320]

17. Article 17 is deleted. [AM 46]

18. Article 18 is replaced by the following:

"Article 18

The measures necessary to adapt this Regulation to amendments made to the Regulations on the common organisation of the market in agricultural products in order to maintain the existing arrangements shall be adopted in accordance with the examination procedure referred to in Article 16(2)."

[AM 47]

19. Article 20 is replaced by the following:

"Article 20

The Member States shall communicate to the Commission the information necessary for implementing this Regulation, on the one hand, on imports, exports and, even where appropriate, production of the goods and, on the other, on the administrative implementing measures adopted. The detailed rules for communication of this information shall be laid down in accordance with the examination procedure referred to in Article 16(2)."

[AM 48]

4. COUNCIL REGULATION (EC) NO 3286/94 OF 22 DECEMBER 1994 LAYING DOWN COMMUNITY PROCEDURES IN THE FIELD OF THE COMMON COMMERCIAL POLICY IN ORDER TO ENSURE THE EXERCISE OF THE COMMUNITY'S RIGHTS UNDER INTERNATIONAL TRADE RULES, IN PARTICULAR THOSE ESTABLISHED UNDER THE AUSPICES OF THE WORLD TRADE ORGANIZATION <sup>(1)</sup>

As regards Regulation (EC) No 3286/94, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 3286/94 is amended as follows:

-1. The following Recital 4a is inserted:

"Whereas, in order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised 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 (\*);

(\*) OJ L 55, 28.2.2011, p. 13."

[AM 49]

<sup>(1)</sup> OJ L 349, 31.12.1994, p. 71.

Wednesday 14 March 2012

-1a. The following Recital 4b is inserted:

*"Whereas the advisory procedure should be used for the suspension of ongoing examinations given the effects of those measures and their sequential logic in relation to the adoption of definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures;"*

[AM 50]

-1b. Recital 9 is replaced by the following:

*"Whereas regard should be paid to the institutional and procedural provisions of Article 207 of the Treaty; whereas, therefore, the European Parliament and the committee established pursuant to that Article should be kept informed of the development of individual cases, in order to enable them to consider their broader policy implications;"*

[AM 51]

-1c. Recital 10 is replaced by the following:

*"Whereas, moreover, to the extent that an agreement with a third country appears to be the most appropriate means to resolve a dispute arising from an obstacle to trade, negotiations to this end should be conducted in accordance with the procedures established in Article 207 of the Treaty, in particular in consultation with the committee established thereby and with the European Parliament;"*

[AM 52]

1. In Article 5, paragraph 3 is replaced by the following:

"3. Where it becomes apparent that the complaint does not provide sufficient evidence to justify initiating an investigation, then the complainant shall be so informed."

2. In Article 6, paragraph 4 is replaced by the following:

"4. Where it becomes apparent that the request does not provide sufficient evidence to justify initiating an investigation, then the Member State shall be so informed."

3. Article 7 is amended as follows:

(a) The heading of the Article is replaced by the heading "Committee procedure"

(b) Paragraph 1 is replaced by the following:

"1. (a) The Commission shall be assisted by the Trade Barriers Committee, hereinafter referred to as 'the Committee'. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

(aa) Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 53]

(b) Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.



Wednesday 14 March 2012

(ba) *Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.*"

[AM 54]

(c) In paragraph 2, the first two sentences are deleted.

(d) Paragraphs 3 and 4 are deleted.

4. In Article 8(1), the introductory wording is replaced by the following:

"1. Where it is apparent to the Commission that there is sufficient evidence to justify initiating an examination procedure and that it is necessary in the interest of the Union, the Commission shall act as follows:"

5. In Article 9(2), point (a) is replaced by the following:

"(a) Neither the Commission, nor Member States, nor the officials of any of these, shall reveal any information of a confidential nature received pursuant to this Regulation, or any information provided on a confidential basis by a party to an examination procedure, without specific permission from the party submitting such information."

6. Article 11 is amended as follows:

(a) Paragraph 1 is replaced by the following:

"1. When it is found as a result of the examination procedure that the interests of the Union do not require any action to be taken, the procedure shall be terminated by the Commission acting in accordance with the **examination** procedure referred to in Article 7(1)(b). **The chair may obtain the committee's opinion by means of the written procedure referred to in Article 7(1)(ba).**"

[AM 55]

(b) In paragraph 2, point (a) is replaced by the following:

"(a) When, after an examination procedure, the third country or countries concerned take(s) measures which are considered satisfactory, and therefore no action by the Union is required, the procedure may be suspended by the Commission acting in accordance with the **advisory** procedure referred to in ~~Article 7(1)(b)~~ **Article 7(1)(aa).**"

[AM 56]

(c) Paragraph 3 is replaced by the following:

"3. Where, either after an examination procedure, or at any time before, during and after an international dispute settlement procedure, it appears that the most appropriate means to resolve a dispute arising from an obstacle to trade is the conclusion of an agreement with the third country or countries concerned, which may change the substantive rights of the Union and of the third country or countries concerned, the procedure shall be suspended by the Commission acting in accordance with the **advisory** procedure referred to in ~~Article 7(1)(b)~~ **Article 7(1)(aa)**, and negotiations shall be carried out in accordance with the provisions of Article 207 of the Treaty."

[AM 57]

**Wednesday 14 March 2012**

7. Article 13 is replaced by the following:

"Article 13

Decision-making procedures

1. Where the Union, as a result of a complaint pursuant to Articles 3 or 4, or of a referral pursuant to Article 6, follows formal international consultation or dispute settlement procedures, decisions relating to the initiation, conduct or termination of such procedures shall be taken by the Commission.

2. Where the Union, having acted in accordance with Article 12(2), has to take a decision on the measures of commercial policy to be adopted pursuant to Article 11(2)(c) or pursuant to Article 12, it shall act, without delay, in accordance with Article 207 of the Treaty and, as appropriate, any applicable procedures."

- 7a. *The following article is inserted:*

"Article 13a

**Report**

***The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the activities of the Commission and the Trade Barriers Committee. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public.***

[AM 58]

8. Article 14 is deleted.

5. **COUNCIL REGULATION (EC) NO 385/96 OF 29 JANUARY 1996 ON PROTECTION AGAINST INJURIOUS PRICING OF VESSELS <sup>(1)</sup>**

As regards Regulation (EC) No 385/96, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 385/96 is amended as follows:

- 1. **Recital 25 is replaced by the following:**

***"(25) Whereas, in order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised 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 (\*).***

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(\* ) OJ L 55, 28.2.2011, p. 13."

[AM 59]

1. In Article 5, paragraph 11 is replaced by the following:

"11. Without prejudice to Article 15(2), where it is apparent that there is sufficient evidence to justify initiating a proceeding the Commission shall do so within 45 days of the lodging of the complaint, or, in case of initiation pursuant to paragraph 8, no later than six months from the time the sale of the vessel was known or should have been known, and shall publish a notice in the *Official Journal of the European Union*. Where insufficient evidence has been presented, the complainant shall be so informed within 45 days of the date on which the complaint is lodged with the Commission."

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<sup>(1)</sup> OJ L 56, 6.3.1996, p. 21.

Wednesday 14 March 2012

2. Article 7 is amended as follows:

- (a) Paragraph 2 is replaced by the following:

"2. Where measures are unnecessary the investigation or proceedings shall be terminated. The Commission shall terminate the investigation in accordance with the **examination** procedure referred to in Article 10(2). **The chair may obtain the committee's opinion by means of the written procedure referred to in Article 10(2a).**"

[AM 60]

- (b) Paragraph 4 is replaced by the following:

"4. Where the facts as finally established show that there is injurious pricing and injury caused thereby, an injurious pricing charge shall be imposed on the shipbuilder by the Commission, in accordance with the examination procedure referred to in Article 10(2). The amount of the injurious pricing charge shall be equal to the margin of injurious pricing established. The Commission shall take the necessary measures for the implementation of its decision, in particular the collection of the injurious pricing charge."

3. In Article 8, the first paragraph is replaced by the following:

"The investigation may be terminated without the imposition of an injurious pricing charge if the shipbuilder definitively and unconditionally voids the sale of the injuriously priced vessel or complies with an alternative equivalent remedy accepted by the Commission."

4. In Article 9, paragraph 1 is replaced by the following:

"1. If the shipbuilder concerned does not pay the injurious pricing charge imposed under Article 7, counter-measures under the form of denial of loading and unloading rights shall be imposed by the Commission on the vessels built by the shipbuilder in question."

5. Article 10 is replaced by the following:

"Article 10

Committee procedure

1. The Commission shall be assisted by the Injurious Pricing of Vessels Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

**2a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."**

[AM 61]

Wednesday 14 March 2012

6. In Article 13, paragraph 5 is replaced by the following:

"5. The Commission and Member States, or the officials of any of these, shall not reveal any information received pursuant to this Regulation for which confidential treatment has been requested by its supplier, without specific permission from the supplier. Exchanges of information between the Commission and Member States, or any internal documents prepared by the authorities of the Union or its Member States, shall not be divulged except as specifically provided for in this Regulation."

7. In Article 14, paragraph 3 is replaced by the following:

"3. Disclosure shall be effected in writing. It shall be effected, due regard being had to the need to protect confidential information, as soon as possible and, normally, not less than one month before a definitive decision. Where the Commission is not in a position to disclose certain facts or considerations at that time, these shall be disclosed as soon as possible thereafter. Disclosure shall not prejudice any subsequent decision which may be taken by the Commission but, where such a decision is based on any different facts and considerations, these shall be disclosed as soon as possible."

- 7a. *The following article is inserted:*

**"Article 14a**

**Report**

*The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the activities of the Commission and the Injurious Pricing of Vessels Committee. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."*

[AM 62]

6. **COUNCIL REGULATION (EC) NO 2271/96 OF 22 NOVEMBER 1996 PROTECTING AGAINST THE EFFECTS OF THE EXTRA-TERRITORIAL APPLICATION OF LEGISLATION ADOPTED BY A THIRD COUNTRY, AND ACTIONS BASED THEREON OR RESULTING THEREFROM** <sup>(1)</sup>

As regards Regulation (EC) No 2271/96, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission for the purpose of amending the Annex to that Regulation. Moreover, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 2271/96 is amended as follows:

- 1. *Recital 9 is replaced by the following:*

"(9) *Whereas, in order to ensure uniform conditions for establishing criteria for the authorisation of persons to comply fully or partially, to the extent that non-compliance would seriously damage their interests or those of the Union, with any requirement or prohibition, including requests of foreign courts, implementing powers should be conferred on the Commission. Those powers should be exercised 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* (\*)";

(\*) OJ L 55, 28.2.2011, p. 13."

[AM 63]

<sup>(1)</sup> OJ L 309, 29.11.1996, p. 1.

Wednesday 14 March 2012

**-1a. The following Recital 9a is inserted:**

**"(9a) Whereas, in order to adopt the provisions necessary for the application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of adding or deleting laws to or from the list in the Annex to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council:"**

[AM 64]

1. In Article 1, the second paragraph is replaced by the following:

"Acting in accordance with the relevant provisions of the Treaty and notwithstanding the provisions of Article 7(c), the Commission may adopt delegated acts in accordance with Articles 11a, 11b and 11c to add or delete laws to or from the Annex to this Regulation."

2. Article 8 is replaced by the following:

"Article 8

1. For the purposes of implementing Article 7(b) and (c), the Commission shall be assisted by the Committee on Extra-territorial Legislation. ~~That~~ **Those implementing acts shall be adopted in accordance with the examination procedure referred to in paragraph 2 of this Article.** The committee shall be a committee within the meaning of Regulation (EU) No ~~[.../2011]~~ **182/2011**. [AM 65]

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

**2a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."**

[AM 66]

3. The following articles are inserted:

"Article 11a

~~1. The powers~~ **The Commission shall be empowered** to adopt the delegated acts **in accordance with** ~~referred to in Article 1 shall be conferred on the Commission for an indeterminate period of time~~ **concerning the addition or deletion of laws to or from the Annex to this Regulation.**

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

~~3. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in Articles 11b and 11c.~~ [AM 67]

Article 11b

**1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.** [AM 68]

Wednesday 14 March 2012

2. ~~The institution which has commenced an internal procedure for deciding whether to revoke the power to adopt delegated acts shall endeavour~~ **referred to in Article 1 shall be conferred on the other institution and the Commission within for a reasonable time period of five years from ... (\*)**. ~~The Commission shall draw up a report in respect of the delegation of power not later than nine months before the final decision is taken, indicating end of the delegated powers which could five-year period. The delegation of power shall be subject to revocation and possible reasons tacitly extended for a revocation periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.~~ [AM 321]

3. ~~The decision of revocation shall put an end to the delegation of the powers~~ The delegation of power referred to in Article 1 may be revoked at any time by the European Parliament or by the Council. **A decision to revoke shall put an end to the delegation of the power** specified in that decision. It shall take effect ~~immediately~~ **the day following the publication of the decision in the Official Journal of the European Union** or at a later date specified therein. It shall not affect the validity of ~~the any~~ delegated acts already in force. ~~It shall be published in the Official Journal of the European Union.~~

3a. **As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.** [AM 68]

3b. **A delegated act adopted pursuant to Article 1 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by four months at the initiative of the European Parliament or of the Council.**

(\*) **Date of entry into force of this Regulation."**

[AM 322]

Article 11e

1. ~~The European Parliament and the Council may object to the delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by one month.~~

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

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

3. ~~If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act."~~ [AM 69]

7. **COUNCIL REGULATION (EC) NO 1515/2001 OF 23 JULY 2001 ON THE MEASURES THAT MAY BE TAKEN BY THE COMMUNITY FOLLOWING A REPORT ADOPTED BY THE WTO DISPUTE SETTLEMENT BODY CONCERNING ANTI-DUMPING AND ANTI-SUBSIDY MATTERS** <sup>(1)</sup>

As regards Regulation (EC) No 1515/2001, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

<sup>(1)</sup> OJ L 201, 26.7.2001, p. 10.

Wednesday 14 March 2012

Accordingly, Regulation (EC) No 1515/2001 is amended as follows:

**-1. The following recital is added:**

**"(6a) In order to ensure uniform conditions for adopting or suspending measures to comply with the recommendations and rulings of the WTO Dispute Settlement Body, implementing powers should be conferred on the Commission. Those powers should be exercised 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 (\*).**

(\*) OJ L 55, 28.2.2011, p. 13."

[AM 70]

**-1a. The following recital is added:**

**"(6b) The advisory procedure should be used for the suspension of measures for a limited period of time given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."**

[AM 71]

1. Article 1 is amended as follows:

(a) In paragraph 1, the introductory wording is replaced by the following:

"1. Whenever the DSB adopts a Report concerning a Union measure taken pursuant to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (\*), Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community (\*\*) or to this Regulation ("disputed measure"), the Commission may take one or more of the following measures, whichever it considers appropriate, in accordance with the examination procedure referred to in Article 3a(2):

(\*) OJ L 343, 22.12.2009, p. 51.

(\*\*) OJ L 188, 18.7.2009, p. 93."

**(aa) In paragraph 1, point (b) is replaced by the following:**

**"(b) adopt any other special measures implementing a legislative act which are deemed to be appropriate in the circumstances."**

[AM 72]

(b) Paragraph 3 is replaced by the following:

"3. Insofar as it is appropriate to conduct a review before or at the same time as taking any measures under paragraph 1, that review shall be initiated by the Commission."

**Wednesday 14 March 2012**

(c) Paragraph 4 is replaced by the following:

"4. Insofar as it is appropriate to suspend the disputed or amended measure, such suspension shall be granted for a limited period of time by the Commission, acting in accordance with the **advisory** procedure referred to in ~~Article 3a(2)~~ **Article 3a(1a)**."

[AM 73]

2. Article 2 is amended as follows:

(a) Paragraph 1 is replaced by the following:

"1. The Commission may also take any of the measures mentioned in Article 1(1) in order to take into account the legal interpretations made in a report adopted by the DSB with regard to a non-disputed measure, if it considers this appropriate."

(b) Paragraph 3 is replaced by the following:

"3. Insofar as it is appropriate to conduct a review before or at the same time as taking any measures under paragraph 1, that review shall be initiated by the Commission."

(c) Paragraph 4 is replaced by the following:

"4. Insofar as it is appropriate to suspend the non-disputed or amended measure, that suspension shall be granted for a limited period of time by the Commission, acting in accordance with the **advisory** procedure referred to in ~~Article 3a(2)~~ **Article 3a(1a)**."

[AM 74]

3. The following article is inserted:

"Article 3a

1. The Commission shall be assisted by the Anti-Dumping Committee established by Article 15(1) of Regulation (EC) No 1225/2009 or by the Anti-subsidy Committee established by Article 25(1) of Regulation (EC) No 597/2009 as the case may be. These committees shall be committees within the meaning of Regulation (EU) No 182/2011.

**1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 75]**

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

**2a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."**

[AM 76]

3a. The following article is inserted:

"Article 3b

**The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the activities, proceedings, and decisions of the Commission, of the Anti-Dumping Committee, and of the Anti-Subsidy Committee. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."**

[AM 77]



Wednesday 14 March 2012

**8. COUNCIL REGULATION (EC) NO 2248/2001 OF 19 NOVEMBER 2001 ON CERTAIN PROCEDURES FOR APPLYING THE STABILISATION AND ASSOCIATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES, OF THE ONE PART, AND THE REPUBLIC OF CROATIA, OF THE OTHER PART AND FOR APPLYING THE INTERIM AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE REPUBLIC OF CROATIA <sup>(1)</sup>**

As regards Regulation (EC) No 2248/2001, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 2248/2001 is amended as follows:

**-1. Recital 6 is replaced by the following:**

*"(6) Implementing Acts of the Commission amending the Combined Nomenclature and TARIC codes do not entail any substantive changes."*

[AM 78]

**-1a. Recital 10 is replaced by the following:**

*"(10) In order to ensure uniform conditions for adopting detailed rules for the implementation of various provisions of the Stabilisation and Association Agreement, implementing powers should be conferred on the Commission. Those powers should be exercised 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 (\*)."*

<sup>(\*)</sup> OJ L 55, 28.2.2011, p. 13."

[AM 79]

**-1b. The following recital is added:**

*"(10a) The advisory procedure should be used for the adoption of immediate measures in case of exceptional and critical circumstances given the effects of those measures and their sequential logic in relation to the adoption of definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."*

[AM 80]

**-1c. The following recital is added:**

*"(10b) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to exceptional and critical circumstances arising within the meaning of Article 25(4)(b) and Article 26(4) of the Interim Agreement, and thereafter Article 38(4)(b) and Article 39(4) of the Stabilisation and Association Agreement, imperative grounds of urgency so require."*

[AM 81]

<sup>(1)</sup> OJ L 304, 21.11.2001, p. 1.

Wednesday 14 March 2012

-1d. Article 2 is replaced by the following:

"Article 2

*Concessions on baby-beef*

*Detailed rules for the implementation of Article 14(2) of the Interim Agreement, and thereafter Article 27(2) of the Stabilisation and Association Agreement, concerning the tariff quota for 'baby-beef' products shall be adopted by the Commission in accordance with the examination procedure referred to in Article 7fa(5) of this Regulation."*

[AM 82]

-1e. Article 3 is deleted. [AM 83]

-1f. Article 4 is replaced by the following:

"Article 4

*Concessions on fishery products*

*Detailed rules for the implementation of Article 15(1) of the Interim Agreement, and thereafter Article 28(1) of the Stabilisation and Association Agreement, concerning the tariff quotas for fish and fishery products listed in Annex Va of both Agreements, shall be adopted by the Commission in accordance with the examination procedure referred to in Article 7fa(5) of this Regulation."*

[AM 84]

-1g. Article 5 is deleted. [AM 85]

-1h. Article 7 is replaced by the following:

"Article 7

*Technical adaptations*

*Amendments and technical adaptations to the detailed rules on implementation adopted pursuant to this Regulation, which are necessary following changes to the Combined Nomenclature codes and to the TARIC subdivisions or arising from the conclusion of new agreements, protocols, exchanges of letters or other acts between the Union and Croatia, and which shall not entail any substantive changes, shall be adopted in accordance with the examination procedure referred to in Article 7fa(5)."*

[AM 86]

1. Article 7a is amended as follows:

(a) ~~The following paragraphs 3a and 3b are inserted:~~

~~"3a. Where reference is made to this paragraph, Article [5] of Regulation (EU) No [xxxx/2011] shall apply.~~

~~3b. Where reference is made to this paragraph, Article [8] of Regulation (EU) No [xxxx/2011] shall apply in conjunction with Article [5] thereof."~~

(a) *Paragraphs 2, 3 and 4 are deleted.* [AM 87]

Wednesday 14 March 2012

(b) In paragraph 6, the first subparagraph is replaced by the following:

"On the completion of the consultations, and if no other arrangement proves possible, the Commission may decide in accordance with the **examination** procedure referred to in ~~Article 7a(3a)~~ **Article 7fa(5) of this Regulation** either not to act or to adopt appropriate measures provided for in Articles 25 and 26 of the Interim Agreement, and thereafter Articles 38 and 39 of the Stabilisation and Association Agreement. In cases of urgency, ~~Article 7a(3b)~~ **Article 7fa(7)** of this Regulation shall apply."

[AM 88]

(c) Paragraphs 7, 8 and 9 are deleted.

2. Article 7b is replaced by the following:

"Article 7b

Exceptional and critical circumstances

Where exceptional and critical circumstances arise within the meaning of Article 25(4)(b) and Article 26(4) of the Interim Agreement, and thereafter Article 38(4)(b) and Article 39(4) of the Stabilisation and Association Agreement, the Commission may take immediate measures as provided for in Articles 25 and 26 of the Interim Agreement, and thereafter Articles 38 and 39 of the Stabilisation and Association Agreement, in accordance with the **advisory** procedure referred to in ~~Article 7a(3a)~~ **Article 7fa(4)** of this Regulation. In cases of urgency, ~~Article 7a(3b)~~ **Article 7fa(6)** shall apply. [AM 89]

If the Commission receives a request from a Member State, it shall take a decision thereon within five working days of receipt of the request."

3. In Article 7e, the second sentence of paragraph 1 is replaced by the following:

"Where necessary it shall adopt safeguard measures in accordance with the **examination** procedure referred to in ~~Article 7a(3a)~~ **Article 7fa(5)**, except in the cases of aid to which Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community (\*) applies, where measures shall be taken in accordance with the procedures laid down in that Regulation. [AM 90]

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(\*) OJ L 188, 18.7.2009, p. 93."

3a. Article 7f is amended as follows:

(a) Paragraph 3 is replaced by the following:

"3. Pending a mutually satisfactory solution having been reached in the consultations referred to in paragraph 2 of this Article, the Commission may decide on other appropriate measures it deems necessary in accordance with Article 30 of the Interim Agreement, and thereafter Article 43 of the Stabilisation and Association Agreement, as well as with the examination procedure referred to in Article 7fa(5) of this Regulation."

(b) Paragraphs 4, 5, and 6 are deleted. [AM 91]

Wednesday 14 March 2012

3b. *The following article is inserted:*

*"Article 7fa*

*Committee procedure*

1. *For the purposes of Article 2 the Commission shall be assisted by the Committee provided for in Article 42 of Regulation (EC) No 1254/1999. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*

2. *For the purpose of Article 4 the Commission shall be assisted by the Customs Code Committee established by Article 248a of Regulation (EEC) No 2913/92. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*

3. *For the purpose of Articles 7a, 7b, 7e and 7f the Commission shall be assisted by the Advisory Committee established by Article 4 of Council Regulation (EC) No 3285/94 of 22 December 1994 on the common rules for imports (\*). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*

4. *Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.*

5. *Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*

6. *Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof.*

7. *Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 5 thereof.*

8. *Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 92]*

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(\*) OJ L 349, 31.12.1994, p. 53."

9. **COUNCIL REGULATION (EC) NO 153/2002 OF 21 JANUARY 2002 ON CERTAIN PROCEDURES FOR APPLYING THE STABILISATION AND ASSOCIATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES, OF THE ONE PART, AND THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA, OF THE OTHER PART, AND FOR APPLYING THE INTERIM AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA <sup>(1)</sup>,**

As regards Regulation (EC) No 153/2002, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

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<sup>(1)</sup> OJ L 25, 29.1.2002, p. 16.

Wednesday 14 March 2012

Accordingly, Regulation (EC) No 153/2002 is amended as follows:

-1. *Recital 6 is replaced by the following:*

"(6) *Implementing Acts of the Commission amending the Combined Nomenclature and TARIC codes do not entail any substantive changes.*"

[AM 93]

-1a. *Recital 11 is replaced by the following:*

"(11) *In order to ensure uniform conditions for adopting detailed rules for the implementation of various provisions of the Stabilisation and Association Agreement, implementing powers should be conferred on the Commission. Those powers should be exercised 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 (\*)*.

(\*) *OJ L 55, 28.2.2011, p. 13.*"

[AM 94]

-1b. *The following recital is added:*

"(11a) *The advisory procedure should be used for the adoption of immediate measures in case of exceptional and critical circumstances given the effects of those measures and their sequential logic in relation to the adoption of definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures.*"

[AM 95]

-1c. *The following recital is added:*

"(11b) *The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to exceptional and critical circumstances arising within the meaning of Article 24(4)(b) and Article 25(4) of the Interim Agreement, and thereafter Article 37(4)(b) and Article 38(4) of the Stabilisation and Association Agreement, imperative grounds of urgency so require.*"

[AM 96]

-1d. *Article 2 is replaced by the following:*

"Article 2

*Concessions on baby-beef*

*Detailed rules for the implementation of Article 14(2) of the Interim Agreement, and thereafter Article 27(2) of the Stabilisation and Association Agreement, concerning the tariff quota for 'baby-beef' products shall be adopted by the Commission in accordance with the examination procedure referred to in Article 7fa(5) of this Regulation.*"

[AM 97]

-1e. *Article 3 is deleted.* [AM 98]

Wednesday 14 March 2012

-1f. Article 4 is replaced by the following:

"Article 4

*Further concessions*

*If additional concessions for fishery products are granted within tariff quotas, pursuant to Article 29 of the Stabilisation and Association Agreement and to Article 16 of the Interim Agreement, detailed rules for the implementation of these tariff quotas shall be adopted by the Commission in accordance with the examination procedure referred to in Article 7fa(5) of this Regulation."*

[AM 99]

-1g. Article 5 is deleted. [AM 100]

-1h. Article 7 is replaced by the following:

"Article 7

*Technical adaptations*

*Amendments and technical adaptations to the detailed rules on implementation adopted pursuant to this Regulation, which are necessary following changes to the Combined Nomenclature codes and to the TARIC subdivisions or arising from the conclusion of new agreements, protocols, exchanges of letters or other acts between the Union and the Former Yugoslav Republic of Macedonia, and which shall not entail any substantive changes, shall be adopted in accordance with the examination procedure referred to in Article 7fa(5) of this Regulation."*

[AM 101]

1. Article 7a is amended as follows:

(a) The following paragraphs 3a and 3b are inserted:

"3a. Where reference is made to this paragraph, Article [5] of Regulation (EU) No [xxxx/2011] shall apply.

3b. Where reference is made to this paragraph, Article [8] of Regulation (EU) No [xxxx/2011] shall apply in conjunction with Article [5] thereof."

(a) Paragraphs 2, 3 and 4 are deleted. [AM 102]

(b) In paragraph 6, the first subparagraph is replaced by the following:

"On the completion of the consultations, and if no other arrangement proves possible, the Commission may decide in accordance with the **examination** procedure referred to in ~~Article 7a(3a)~~ **Article 7fa(5) of this Regulation** either not to act or to adopt appropriate measures provided for in Articles 24 and 25 of the Interim Agreement, and thereafter Articles 37 and 38 of the Stabilisation and Association Agreement. In cases of urgency, ~~Article 7a(3b)~~ **Article 7fa(7)** of this Regulation shall apply."

[AM 103]

Wednesday 14 March 2012

(c) Paragraphs 7, 8 and 9 are deleted.

2. Article 7b is replaced by the following:

"Article 7b

Exceptional and critical circumstances

Where exceptional and critical circumstances arise within the meaning of Article 24(4)(b) and Article 25(4) of the Interim Agreement, and thereafter Article 37(4)(b) and Article 38(4) of the Stabilisation and Association Agreement, the Commission may take immediate measures as provided for in Articles 24 and 25 of the Interim Agreement, and thereafter Articles 37 and 38 of the Stabilisation and Association Agreement, in accordance with the **advisory** procedure referred to in ~~Article 7a(3a)~~ **Article 7fa(4)** of this Regulation. In cases of urgency, ~~Article 7a(3b)~~ **Article 7fa(6)** shall apply. [AM 104]

If the Commission receives a request from a Member State, it shall take a decision thereon within five working days of receipt of the request."

3. In Article 7e, the second sentence of paragraph 1 is replaced by the following:

"Where necessary it shall adopt safeguard measures in accordance with the **examination** procedure referred to in ~~Article 7a(3a)~~ **Article 7fa(5)**, except in the cases of aid to which Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community (\*) applies, where measures shall be taken in accordance with the procedures laid down in that Regulation. [AM 105]

(\*) OJ L 188, 18.7.2009, p. 93."

- 3a. Article 7f is amended as follows:

(a) Paragraph 3 is replaced by the following:

*"3. Pending a mutually satisfactory solution having been reached in the consultations referred to in paragraph 2 of this Article, the Commission may decide on other appropriate measures it deems necessary in accordance with Article 30 of the Interim Agreement, and thereafter Article 43 of the Stabilisation and Association Agreement, as well as with the examination procedure referred to in Article 7fa(5) of this Regulation."*

(b) Paragraphs 4, 5, and 6 are deleted. [AM 106]

- 3b. The following article is inserted:

"Article 7fa

Committee procedure

1. For the purposes of Article 2 the Commission shall be assisted by the Committee provided for in Article 42 of Regulation (EC) No 1254/1999. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. For the purpose of Article 4 the Commission shall be assisted by the Customs Code Committee established by Article 248a of Regulation (EEC) No 2913/92. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

Wednesday 14 March 2012

3. For the purpose of Articles 7a, 7b, 7e and 7f the Commission shall be assisted by the Advisory Committee established by Article 4 of Council Regulation (EC) No 3285/94 of 22 December 1994 on the common rules for imports (\*). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
4. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
5. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
6. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof.
7. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 5 thereof.
8. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 107]

(\*) OJ L 349, 31.12.1994, p. 53."

10. COUNCIL REGULATION (EC) NO 427/2003 OF 3 MARCH 2003 ON A TRANSITIONAL PRODUCT-SPECIFIC SAFEGUARD MECHANISM FOR IMPORTS ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA AND AMENDING REGULATION (EC) NO 519/94 ON COMMON RULES FOR IMPORTS FROM CERTAIN THIRD COUNTRIES <sup>(1)</sup>

As regards Regulation (EC) No 427/2003, **the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission for the purpose of amending Annex I to Regulation (EC) No 625/2009. Moreover,** implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of Regulation (EC) No 427/2003 in accordance with Regulation (EU) No ~~182/2011~~ **182/2011. [AM 108]**

Accordingly, Regulation (EC) No 427/2003 is amended as follows:

-1. **The following recital is inserted:**

"(21a) **In order to adopt the provisions necessary for the application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of amendments of Annex I to Council Regulation (EC) No 625/2009 of 7 July 2009 on common rules for imports from certain third countries (\*), in order to remove countries from the list of third countries contained in that Annex when they become members of the WTO. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.**

(\*) OJ L 185, 17.7.2009, p. 1."

[AM 109]

<sup>(1)</sup> OJ L 65, 8.3.2003, p. 1.



Wednesday 14 March 2012

-1a. Recital 22 is replaced by the following:

"(22) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised 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 (\*).

(\*) OJ L 55, 28.2.2011, p. 13."

[AM 110]

-1b. The following recital is inserted:

"(22a) The advisory procedure should be used for the adoption of surveillance and provisional measures given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."

[AM 111]

-1c. In Article 5, paragraph 1 is replaced by the following:

"1. An investigation shall be initiated upon request by a Member State, by any legal person or any association not having legal personality, acting on behalf of the Union industry, or on the Commission's own initiative if it is apparent to the Commission that there is sufficient evidence to justify the initiation of an investigation."

[AM 112]

-1d. In Article 5, the following paragraph is inserted:

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

An investigation may also be initiated in the event that there is a surge of imports concentrated in one or several Member States, provided that there is sufficient evidence that the conditions for initiation are met, as determined on the basis of factors referred to in Article 2(2) and Article 3."

[AM 113]

1. In Article 5, paragraph 4 is replaced by the following:

"4. Where it is apparent that there is sufficient evidence to justify initiating a proceeding and any consultations under paragraph 3 have not led to a mutually satisfactory solution, the Commission shall publish a notice in the Official Journal of the European Union."

Wednesday 14 March 2012

1a. The following article is inserted:

"Article 6a

*Prior surveillance measures*

1. *Where the trend in imports of a product originating in the People's Republic of China is such that it could lead to one of the situations referred to in Articles 2 and 3, imports of that product may be subject to prior surveillance measures.*

2. *In the event that there is a surge of imports of products falling into sensitive sectors concentrated in one or several Member States, the Commission may introduce prior surveillance measures.*

3. *Prior surveillance measures shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 15(1a).*

4. *Prior surveillance measures shall have a limited period of validity. Unless otherwise provided, they shall cease to be valid at the end of the second 6-month period following the first 6 months after the measures were introduced."*

[AM 114]

2. Article 7 is amended as follows:

(a) In paragraph 1, the second and third sentences are replaced by the following:

"The Commission shall take such provisional measures in accordance with the **advisory** procedure referred to in ~~Article 15(2)~~ **Article 15(1a)**. In cases of urgency, Article 15(3) shall apply."

[AM 115]

(b) Paragraph 3 is deleted.

3. Article 8 is replaced by the following:

"Article 8

*Termination without measures*

*Where bilateral safeguard measures are deemed unnecessary the investigation or proceeding shall be terminated in accordance with the examination procedure referred to in Article 15(2)."*

4. Article 9 is amended as follows:

(a) Paragraph 2 is replaced by the following:

"2. If the consultations referred to in paragraph 1 of this Article do not lead to a mutually satisfactory solution within 60 days of the receipt of a request for consultations, a definitive safeguard or trade diversion measure shall be imposed in accordance with the examination procedure referred to in Article 15(2)."

(b) Paragraphs 3 to 6 are deleted.

Wednesday 14 March 2012

4a. In Article 12, paragraph 3 is replaced by the following:

"3. While any safeguard measure is in operation, consultations shall be held within the Committee, either at the request of a Member State or on the initiative of the Commission, in order to examine the effects of the measure and to ascertain whether its application is still necessary."

[AM 117]

5. In Article 12, paragraph 4 is replaced by the following:

"4. Where the Commission considers that any safeguard measure should be revoked or amended, it shall revoke or amend the safeguard measures *in accordance with the examination procedure referred to in Article 15(2)*."

[AM 118]

6. In Article 14, paragraph 4 is replaced by the following:

"4. In the Union interest, measures imposed pursuant to this Regulation may be suspended by a decision of the Commission for a period of nine months. The suspension may be extended for a further period, not exceeding one year, in accordance with the *advisory* procedure referred to in ~~Article 15(2)~~ **Article 15(1a)**. Measures may only be suspended where market conditions have temporarily changed to an extent that market disruption would be unlikely to resume as a result of the suspension. Measures may, at any time and after consultation, be reinstated if the reason for suspension is no longer applicable."

[AM 119]

6a. The following article is inserted:

"Article 14a

*Conferral of powers*

*The Commission shall be empowered to adopt delegated acts in accordance with Article 14b concerning amendments of Annex I to Regulation (EC) No 625/2009, in order to remove countries from the list of third countries contained in that Annex when they become members of the WTO.*

[AM 120]

6b. The following article is inserted:

"Article 14b

*Exercise of the delegation*

1. *The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*

2. *The power to adopt delegated acts referred to in Article 22(3) shall be conferred on the Commission for a period of five years from ... (\*). The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

Wednesday 14 March 2012

3. *The delegation of power referred to in Article 22(3) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

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

5. *A delegated act adopted pursuant to Article 22(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by four months at the initiative of the European Parliament or the Council.*

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(\*) *Date of entry into force of this Regulation.*"

[AM 323]

7. Article 15 is replaced by the following:

"Article 15

Committee procedure

1. The Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports (\*). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

**1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.**  
[AM 122]

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~182/2011~~ **182/2011** shall apply in conjunction with ~~Article 5~~ **Article 4** thereof. [AM 123]

4. Pursuant to Article 3(5) of Regulation (EU) No 182/2011 where recourse is made to written procedure, such procedure shall be terminated without result where, within the time limit set down by the chair, the chair so decides or a majority of committee members as defined in Article 5(1) of Regulation (EU) No 182/2011 so request.

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(\*) OJ L 84, 31.3.2009, p. 1."

8. In Article 17, paragraph 5 is replaced by the following:

"5. The Commission and the Member States, or the officials of any of these, shall not reveal any information received pursuant to this Regulation for which confidential treatment has been requested by its supplier, without specific permission from the supplier. Exchanges of information between the Commission and Member States, or any information relating to consultations made pursuant to Article 12, or consultations described in Article 5(3) and Article 9(1), or any internal documents prepared by the authorities of the Union or its Member States, shall not be divulged to the public or any party to the proceeding except as specifically provided for in this Regulation."

Wednesday 14 March 2012

9. In Article 18(4), the fourth sentence is replaced by the following:

"Disclosure shall not prejudice any subsequent decision which may be taken by the Commission but where such a decision is based on any different facts and considerations, these shall be disclosed as soon as possible."

10. In Article 19, paragraphs 5 and 6 are replaced by the following:

"5. The Commission shall examine the information which is properly submitted and the extent to which it is representative, and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Committee.

6. The parties which have acted in conformity with paragraph 2 may request the facts and considerations on which final decisions are likely to be taken to be made available to them. Such information shall be made available to the extent possible and without prejudice to any subsequent decision taken by the Commission."

**10a. The following article is inserted:**

**"Article 19a**

**Report**

**1. The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the activities of the Commission, the Committee, and all other bodies responsible for implementing this Regulation and fulfilment of the obligations arising therefrom, including obligations concerning barriers to trade.**

**2. The report shall also present a summary of the statistics and the evolution of trade with China.**

**3. The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the application of this Regulation.**

**4. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."**

[AM 124]

**10b. In Article 22, paragraph 3 is deleted. [AM 125]**

**11. COUNCIL REGULATION (EC) NO 452/2003 OF 6 MARCH 2003 ON MEASURES THAT THE COMMUNITY MAY TAKE IN RELATION TO THE COMBINED EFFECT OF ANTI-DUMPING OR ANTI-SUBSIDY MEASURES WITH SAFEGUARD MEASURES <sup>(1)</sup>**

As regards Regulation (EC) No 452/2003, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

<sup>(1)</sup> OJ L 69, 13.3.2003, p. 8.

Wednesday 14 March 2012

Accordingly, Regulation (EC) No 452/2003 is amended as follows:

-1. *The following recital is inserted:*

**"(10a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised 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 (\*).**

(\*) OJ L 55, 28.2.2011, p. 13."

[AM 126]

1. In Article 1(1), the introductory wording is replaced by the following:

"Where the Commission considers that a combination of anti-dumping or anti-subsidy measures with safeguard tariff measures on the same imports could lead to effects greater than is desirable in terms of the Union's trade defence policy, it may adopt such of the following measures **implementing a legislative act** as it deems appropriate in accordance with the **examination** procedure referred to in Article 2a(2)."

[AM 127]

2. The following article is inserted:

"Article 2a

1. The Commission shall be assisted by the Anti-Dumping Committee established by Article 15(1) of Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (\*). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

**2a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 128]**

(\*) OJ L 343, 22.12.2009, p. 51."

## 12. COUNCIL REGULATION (EC) NO 673/2005 OF 25 APRIL 2005 ESTABLISHING ADDITIONAL CUSTOMS DUTIES ON IMPORTS OF CERTAIN PRODUCTS ORIGINATING IN THE UNITED STATES OF AMERICA <sup>(1)</sup>

As regards Regulation (EC) No 673/2005, the power to repeal that Regulation is given to the Council. This power should be removed, and Article 207 of the Treaty should apply to the repeal of this Regulation.

Accordingly, Regulation (EC) No 673/2005 is amended as follows:

Article 7 is deleted.

<sup>(1)</sup> OJ L 110, 30.4.2005, p. 1.

Wednesday 14 March 2012

12A. COUNCIL REGULATION (EC) NO 1236/2005 OF 27 JUNE 2005 CONCERNING TRADE IN CERTAIN GOODS WHICH COULD BE USED FOR CAPITAL PUNISHMENT, TORTURE OR OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT <sup>(1)</sup> [AM 129]

As regards Regulation (EC) No 1236/2005, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission for the purpose of amending the Annexes to that Regulation.

Accordingly, Regulation (EC) No 1236/2005 is amended as follows:

[AM 130]

1. Recital 25 is replaced by the following:

"(25) In order to adopt the provisions necessary for the application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of amending Annexes II, III, IV and V to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council."

[AM 131]

2. In Article 12, paragraph 2 is replaced by the following:

"2. The Commission shall be empowered to adopt delegated acts in accordance with Article 15a to amend Annexes II, III, IV and V."

[AM 132]

3. Article 15 is deleted. [AM 133]

4. The following article is inserted:

"Article 15a

*Exercise of the delegation*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 15 shall be conferred on the Commission for a period of five years from ... <sup>(1)</sup>. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 15 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein. It shall not affect the validity of any delegated acts already in force.

<sup>(1)</sup> OJ L 200, 30.7.2005, p. 1.

Wednesday 14 March 2012

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

5. A delegated act adopted pursuant to Article 15 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by four months at the initiative of the European Parliament or the Council.

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(\*) Date of entry into force of this Regulation."

[AM 324]

5. Article 16 is deleted. [AM 135]

13. COUNCIL REGULATION (EC) NO 1616/2006 OF 23 OCTOBER 2006 ON CERTAIN PROCEDURES FOR APPLYING THE STABILISATION AND ASSOCIATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES, OF THE ONE PART, AND THE REPUBLIC OF ALBANIA, OF THE OTHER PART, AND FOR APPLYING THE INTERIM AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE REPUBLIC OF ALBANIA <sup>(1)</sup>

As regards Regulation (EC) No 1616/2006, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 1616/2006 is amended as follows:

-1. Recital 7 is deleted. [AM 136]

-1a. Recital 8 is replaced by the following:

"(8) In order to ensure uniform conditions for adopting detailed rules for the implementation of various provisions of the SAA, implementing powers should be conferred on the Commission. Those powers should be exercised 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 (\*).

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(\*) OJ L 55, 28.2.2011, p. 13."

[AM 137]

-1b. The following recital is added:

"(8a) The advisory procedure should be used for the adoption of immediate measures in case of exceptional and critical circumstances and for the temporary suspension of certain preferential treatment given the effects of those measures and their sequential logic in relation to the adoption of definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."

[AM 138]

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<sup>(1)</sup> OJ L 300, 31.10.2006, p. 1.



Wednesday 14 March 2012

-1c. The following recital is added:

"(8b) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to exceptional and critical circumstances arising within the meaning of Article 26(4) of the Interim Agreement, and thereafter Article 39(4) of the SAA, imperative grounds of urgency so require."

[AM 139]

-1d. Article 2 is replaced by the following:

"Article 2

*Concessions for fish and fishery products*

*Detailed rules for the implementation of Article 15(1) of the Interim Agreement, and thereafter Article 28(1) of the SAA, concerning the tariff quotas for fish and fishery products, shall be adopted by the Commission in accordance with the examination procedure referred to in Article 8a(2) of this Regulation."*

[AM 140]

-1e. Article 4 is replaced by the following:

"Article 4

*Technical adaptations*

*Amendments and technical adaptations to the provisions adopted pursuant to this Regulation rendered necessary by changes to the Combined Nomenclature codes and to the TARIC subdivisions or arising from the conclusion of new or modified Agreements, Protocols, Exchanges of Letters or other acts between the Union and the Republic of Albania, and which shall not entail any substantive changes, shall be adopted in accordance with the examination procedure referred to in Article 8a(2) of this Regulation."*

[AM 141]

-1f. Article 5 is replaced by the following:

"Article 5

*General safeguard clause*

*Where the Union needs to take a measure as provided for in Article 25 of the Interim Agreement, and thereafter Article 38 of the SAA, it shall be adopted in accordance with the examination procedure referred to in Article 8a(2) of this Regulation, unless otherwise specified in Article 25 of the Interim Agreement, and thereafter Article 38 of the SAA."*

[AM 142]

-1g. Article 6 is replaced by the following:

"Article 6

*Shortage clause*

*Where the Union needs to take a measure as provided for in Article 26 of the Interim Agreement, and thereafter Article 39 of the SAA, it shall be adopted in accordance with the examination procedure referred to in Article 8a(2) of this Regulation."*

[AM 143]

1. In Article 7, the third, fourth and fifth paragraphs are replaced by the following:

"The Commission shall take such measures in accordance with the **advisory** procedure referred to in ~~Article 8a(2)~~ **Article 8a(1b)**. In cases of urgency, ~~Article 8a(3)~~ **Article 8a(2a)** shall apply."

[AM 144]

Wednesday 14 March 2012

2. In Article 8, paragraph 2 is replaced by the following:

"2. The Commission shall take such measures in accordance with the examination procedure referred to in Article 8a(2). In cases of urgency, Article 8a(3) shall apply."

3. The following article is inserted:

"Article 8a

Committee procedure

**-1. For the purposes of Articles 2, 4, and 11 of this Regulation, the Commission shall be assisted by the Customs Code Committee established by Article 248a of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (\*). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [AM 145]**

1. For the purposes of ~~Articles 7 and 8~~ **Articles 5, 7 and 8** of this Regulation the Commission shall be assisted by the Committee ~~on Safeguards established~~ **set up** by ~~Article 4(1) of~~ Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports (\*\*). That committee shall be a committee within the meaning of Regulation (EU) No ~~[.../2011]~~ **182/2011. [AM 146]**

**1a. For the purposes of Article 6 of this Regulation, the Commission shall be assisted by the Committee established by Council Regulation (EC) No 1061/2009 of 19 October 2009 establishing common rules for exports (\*\*\*). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [AM 147]**

**1b. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 148]**

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

**2a. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof. [AM 149]**

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 5 thereof.

**3a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 150]**

(\*) OJ L 302, 19.10.1992, p. 1.

(\*\*) OJ L 84, 31.3.2009, p. 1.

(\*\*\*) OJ L 291, 7.11.2009, p. 1."

Wednesday 14 March 2012

3a. In Article 11, the third paragraph is replaced by the following:

*"The Commission may decide, in accordance with the advisory procedure referred to in Article 8a(1b) of this Regulation, to suspend temporarily the relevant preferential treatment of the products as provided for in Article 30(4) of the Interim Agreement, and thereafter Article 43(4) of the SAA."*

[AM 151]

3b. Article 12 is deleted. [AM 152]

**14. COUNCIL REGULATION (EC) NO 1528/2007 OF 20 DECEMBER 2007 APPLYING THE ARRANGEMENTS FOR PRODUCTS ORIGINATING IN CERTAIN STATES WHICH ARE PART OF THE AFRICAN, CARIBBEAN AND PACIFIC (ACP) GROUP OF STATES PROVIDED FOR IN AGREEMENTS ESTABLISHING, OR LEADING TO THE ESTABLISHMENT OF, ECONOMIC PARTNERSHIP AGREEMENTS <sup>(1)</sup>**

As regards Regulation (EC) No 1528/2007, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 1528/2007 is amended as follows:

-1. Recital 17 is replaced by the following:

*"(17) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised 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 (\*)."*

*(\*) OJ L 55, 28.2.2011, p. 13."*

[AM 153]

1. Article 2 is amended as follows:

(a) Paragraph 2 is replaced by the following:

*"2. The Commission shall amend Annex I by means of delegated acts in accordance with Articles 24a, 24b and 24c to add regions or states from the ACP Group of States which have concluded negotiations on an agreement between the Union and that region or state which at least meets the requirements of Article XXIV GATT 1994."*

(b) In paragraph 3, the introductory phrase is replaced by the following:

*"3. Such region or state will remain on the list in Annex I unless the Commission adopts a delegated act in accordance with Articles 24a, 24b and 24c amending Annex I to remove a region or state from that Annex, in particular where:"*

[AM 155]

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

Wednesday 14 March 2012

1a. In Article 5(3), the introductory wording is replaced by the following:

"3. Where the Commission, on the basis of information provided by a Member State or on its own initiative, finds that the conditions laid down in paragraphs 1 and 2 of this Article are fulfilled, the relevant treatment may be suspended in accordance with the advisory procedure referred to in Article 21(1d), provided the Commission has first:"

[AM 156]

1b. In Article 5, paragraph 4 is replaced by the following:

"4. The period of suspension under this Article shall be limited to that necessary to protect the Union's financial interests. It shall not exceed six months, which may be renewed. At the end of that period, the Commission shall decide either to terminate the suspension or to extend the period of suspension in accordance with the advisory procedure referred to in Article 21(1d)."

[AM 325]

1c. In Article 5(6), the second subparagraph is replaced by the following:

"The decision suspending the relevant treatment shall be adopted in accordance with the advisory procedure referred to in Article 21(1d)."

[AM 158]

1d. In Article 6, paragraph 3 is replaced by the following:

"3. The detailed rules for implementing the tariff quotas referred to in paragraph 2 of this Article shall be determined in accordance with the examination procedure referred to in Article 21(2)."

[AM 159]

1e. In Article 7, paragraph 4 is replaced by the following:

"4. The detailed rules for dividing by region and implementing the tariff quotas referred to in this Article shall be adopted in accordance with the examination procedure referred to in Article 21(2)."

[AM 160]

1f. In Article 9, paragraph 5 is replaced by the following:

"5. The Commission shall adopt detailed rules on the subdivision of quantities provided for in paragraph 1 and for the management of the system referred to in paragraphs 1, 3 and 4 of this Article, and suspension decisions in accordance with the examination procedure referred to in Article 21(2)."

[AM 161]

1g. In Article 10, paragraph 4 is replaced by the following:

"4. The Commission shall adopt detailed rules for the management of this system and suspension decisions in accordance with the examination procedure referred to in Article 21(2)."

[AM 162]

Wednesday 14 March 2012

## 2. Article 14 is amended as follows:

## (a) Paragraph 3 is replaced by the following:

"3. Where it is apparent that there is sufficient evidence to justify the initiation of a proceeding, the Commission shall publish a notice in the *Official Journal of the European Union*. Initiation shall take place within one month of the receipt of information from a Member State."

## (b) In paragraph 4, the first sentence is replaced by the following:

"4. If the Commission takes the view that the circumstances set out in Article 12 exist, it shall immediately notify the region or states listed in Annex I concerned of its intention to initiate an investigation."

## 3. Article 16 is amended as follows:

## (a) In paragraph 1, the second and third sentences are replaced by the following:

"Provisional measures shall be adopted in accordance with the **advisory** procedure referred to in ~~Article 21(2)~~ **Article 21(1d)**. In cases of urgency, Article 21(3) shall apply."

[AM 163]

## (b) In paragraph 2, the second sentence is deleted.

## (c) Paragraph 4 is deleted.

## 4. Article 17 is replaced by the following:

"Article 17

Termination of investigation and proceeding without measures

Where bilateral safeguard measures are deemed unnecessary the investigation and proceeding shall be terminated in accordance with the examination procedure referred to in Article 21(2)."

## 5. Article 18 is amended as follows:

## (a) Paragraph 2 is replaced by the following:

"2. If the consultations referred to in paragraph 1 of this Article do not lead to a mutually satisfactory solution within 30 days of the matter's being referred to the region or state concerned, a decision to impose definitive bilateral safeguard measures shall be taken by the Commission in accordance with the examination procedure referred to in Article 21(2) within 20 working days of the end of the consultation period."

## (b) Paragraphs 3 and 4 are deleted.

## 6. In Article 20, paragraph 2 is replaced by the following:

"2. The decision to impose surveillance shall be taken by the Commission in accordance with the **advisory** procedure referred to in ~~Article 21(2)~~ **Article 21(1d)**."

[AM 164]

**Wednesday 14 March 2012**

7. Article 21 is replaced by the following:

"Article 21

Committee procedure

1. For the purposes of ~~this Chapter~~ **Articles 5, 16, 17, 18 and 20** of this Regulation, the Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports (\*). That committee shall be a committee within the meaning of Regulation (EU) No ~~[.../2011]~~ **182/2011**. [AM 165]

**1a. For the purposes of Article 4, the Commission shall be assisted by the Customs Code Committee established by Regulation (EEC) No 2913/92. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [AM 166]**

**1b. For the purposes of Article 6, the Commission shall be assisted by the Committee established by Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice (\*\*). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [AM 167]**

**1c. For the purposes of Articles 7 and 9, the Commission shall be assisted by the Committee established by Regulation (EC) No 318/2006. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [AM 168]**

**1d. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 169]**

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~[.../2011]~~ **182/2011** shall apply in conjunction with ~~Article 5~~ **Article 4** thereof. [AM 170]

4. In the case of products falling under CN code 1701, the Committee referred to in paragraph 1 of this Article shall be assisted by the Committee established by Article 195 of Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (\*\*\*) .

**4a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 171]**

(\*) OJ L 84, 31.3.2009, p. 1.

(\*\*) OJ L 270, 21.10.2003, p. 96.

(\*\*\*) OJ L 299, 16.11.2007, p. 1."

- 7a. Article 24 is deleted. [AM 172]**

8. The following Articles 24a, 24b and 24c are inserted:

"Article 24a

**Exercise of the delegation**

1. The powers to adopt the delegated acts referred to in Article 2(2) and (3) shall be conferred on the Commission for an indeterminate period of time.

Wednesday 14 March 2012

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

~~3. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in Articles 24b and 24c.~~

~~Article 24b~~

#### ~~Revocation of the delegation~~

~~1. The delegation of power referred to in Article 2(2) and (3) may be revoked at any time by the European Parliament or by the Council.~~

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

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

~~Article 24c~~

#### ~~Objections to delegated acts~~

~~1. The European Parliament and the Council may object to the delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by one month.~~

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

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

~~3. If the European Parliament or the Council objects to the adopted delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act."~~

[AM 173]

8a. The following article is inserted:

"Article 24d

#### Confidentiality

1. Information received pursuant to this Regulation shall be used only for the purpose for which it was requested.

2. No information of a confidential nature nor any information provided on a confidential basis received pursuant to this Regulation shall be disclosed without specific permission from the supplier of such information.

Wednesday 14 March 2012

3. Each request for confidentiality shall state the reasons why the information is confidential. However, if the supplier of the information wishes neither to make it public nor to authorise its disclosure in general terms or in the form of a summary and if it appears that the request for confidentiality is unjustified, the information concerned may be disregarded.

4. Information shall in any case be considered to be confidential if its disclosure is likely to have a significantly adverse effect upon the supplier or the source of such information.

5. Paragraphs 1 to 4 shall not preclude reference by the Union authorities to general information and in particular to reasons on which decisions taken pursuant to this Regulation are based. Those authorities shall, however, take into account the legitimate interest of natural and legal persons concerned that their business secrets should not be divulged."

[AM 174]

8b. The following article is inserted:

"Article 24e

**Report**

1. The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the activities of the Commission, the Committees referred to in this Regulation, and all other bodies responsible for implementing this Regulation and fulfilment of the obligations arising therefrom, including obligations concerning barriers to trade.

2. The report shall also present a summary of the statistics and the evolution of trade with the ACP countries.

3. The report shall include information on the implementation of this Regulation.

4. The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the application of this Regulation.

5. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."

[AM 175]

15. COUNCIL REGULATION (EC) NO 140/2008 OF 19 NOVEMBER 2007 ON CERTAIN PROCEDURES FOR APPLYING THE STABILISATION AND ASSOCIATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES, OF THE ONE PART, AND THE REPUBLIC OF MONTENEGRO, OF THE OTHER PART, AND FOR APPLYING THE INTERIM AGREEMENT BETWEEN THE EUROPEAN COMMUNITY, OF THE ONE PART, AND THE REPUBLIC OF MONTENEGRO, OF THE OTHER PART <sup>(1)</sup>

As regards Regulation (EC) No 140/2008, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

<sup>(1)</sup> OJ L 43, 19.2.2008, p. 1.



Wednesday 14 March 2012

Accordingly, Regulation (EC) No 140/2008 is amended as follows:

-1. *Recital 7 is deleted.* [AM 176]

-1a. *Recital 8 is replaced by the following:*

"(8) *In order to ensure uniform conditions for adopting detailed rules for the implementation of various provisions of the SAA, implementing powers should be conferred on the Commission. Those powers should be exercised 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* (\*).

(\*) *OJ L 55, 28.2.2011, p. 13.*"

[AM 177]

-1b. *The following recital is added:*

"(8a) *The advisory procedure should be used for the adoption of surveillance and provisional measures and for the temporary suspension of preferential treatment given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures.*"

[AM 178]

-1c. *The following recital is added:*

"(8b) *The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to exceptional and critical circumstances arising within the meaning of Articles 26(5)(b) and 27(4) of the Interim Agreement, and thereafter Article 41(5)(b) and 42(4) of the SAA, imperative grounds of urgency so require.*"

[AM 179]

-1d. *Article 2 is replaced by the following:*

"*Article 2*

*Concessions for fish and fishery products*

*Detailed rules on the implementation of Article 14 of the Interim Agreement, and thereafter Article 29 of the SAA, concerning the tariff quotas for fish and fishery products, shall be adopted by the Commission in accordance with the examination procedure referred to in Article 8a(2) of this Regulation.*"

[AM 180]

Wednesday 14 March 2012

-1e. Article 4 is replaced by the following:

"Article 4

*Technical adaptations*

*Amendments and technical adaptations to the provisions adopted pursuant to this Regulation, rendered necessary by changes to the Combined Nomenclature codes and to the TARIC subdivisions or arising from the conclusion of new or modified Agreements, Protocols, Exchanges of Letters or other acts between the Union and the Republic of Montenegro, and which shall not entail any substantive changes, shall be adopted in accordance with the examination procedure referred to in Article 8a(2) of this Regulation."*

[AM 181]

-1f. Article 5 is replaced by the following:

"Article 5

*General safeguard clause*

*Where the Union needs to take a measure as provided for in Article 26 of the Interim Agreement, and thereafter Article 41 of the SAA, it shall be adopted in accordance with the examination procedure referred to in Article 8a(2) of this Regulation, unless otherwise specified in Article 26 of the Interim Agreement, and thereafter Article 41 of the SAA."*

[AM 182]

-1g. Article 6 is replaced by the following:

"Article 6

*Shortage clause*

*Where the Union needs to take a measure as provided for in Article 27 of the Interim Agreement, and thereafter Article 42 of the SAA, it shall be adopted in accordance with the examination procedure referred to in Article 8a(2) of this Regulation."*

[AM 183]

1. In Article 7, the third, fourth and fifth paragraphs are replaced by the following:

"The Commission shall take such measures in accordance with the **advisory** procedure referred to in ~~Article 8a(2)~~ **Article 8a(1a)**. In cases of urgency, ~~Article 8a(3)~~ **Article 8a(2a)** shall apply."

[AM 184]

2. In Article 8, paragraph 2 is replaced by the following:

"2. The Commission shall take such measures in accordance with the examination procedure referred to in Article 8a(2). In cases of urgency, Article 8a(3) shall apply."

Wednesday 14 March 2012

3. The following article is inserted:

"Article 8a

Committee procedure

**-1. For the purposes of Articles 2, 4 and 11 of this Regulation, the Commission shall be assisted by the Customs Code Committee established by Article 248a of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (\*). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [AM 185]**

**-1a. For the purposes of Article 6, the Commission shall be assisted by the Committee established by Council Regulation (EC) No 1061/2009 of 19 October 2009 establishing common rules for exports (\*\*). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [AM 186]**

1. For the purposes of ~~Articles 7 and 8~~ **Articles 5, 7 and 8** the Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports (\*\*\*). That committee shall be a committee within the meaning of Regulation (EU) No ~~182/2011~~ **182/2011**. [AM 187]

**1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 188]**

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

**2a. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof. [AM 189]**

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 5 thereof.

**3a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.**

(\*) OJ L 302, 19.10.1992, p. 1.

(\*\*) OJ L 291, 7.11.2009, p. 1.

(\*\*\*) OJ L 84, 31.3.2009, p. 1."

[AM 190]

- 3a. In Article 11, the third paragraph is replaced by the following:**

**"The Commission may decide, in accordance with the advisory procedure referred to in Article 8a(1a) of this Regulation, to suspend temporarily the relevant preferential treatment of the products as provided for in Article 31(4) of the Interim Agreement, and thereafter Article 46(4) of the SAA."**

[AM 191]

Wednesday 14 March 2012

**3b. Article 12 is deleted.** [AM 192]

**16. COUNCIL REGULATION (EC) NO 55/2008 OF 21 JANUARY 2008 INTRODUCING AUTONOMOUS TRADE PREFERENCES FOR THE REPUBLIC OF MOLDOVA AND AMENDING REGULATION (EC) NO 980/2005 AND COMMISSION DECISION 2005/924/EC <sup>(1)</sup>**

As regards Regulation (EC) No 55/2008, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 55/2008 is amended as follows:

**-1. Recital 11 is deleted.** [AM 193]

**-1a. Recital 12 is deleted.** [AM 194]

**-1b. Recital 13 is replaced by the following:**

**"(13) In order to ensure uniform conditions for the implementation of this Regulation implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and 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 (\*).**

**(\*) OJ L 55, 28.2.2011, p. 13."**

[AM 195]

**-1c. The following recital is inserted:**

**"(13a) The advisory procedure should be used for the adoption of surveillance and provisional measures and for the temporary suspension of preferential treatment given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."**

[AM 196]

**-1d. In Article 3, paragraph 3 is replaced by the following:**

**"3. Notwithstanding other provisions of this Regulation, in particular Article 10, if imports of agricultural products cause serious disturbance to the Union markets and their regulatory mechanisms, the Commission may take appropriate measures by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11a(2)."**

[AM 197]

<sup>(1)</sup> OJ L 20, 24.1.2008, p. 1.

Wednesday 14 March 2012

-1e. Article 4 is replaced by the following:

"Article 4

*Implementation of tariff quotas for dairy products*

*The detailed rules for implementing the tariff quotas for headings 0401 to 0406 shall be determined by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11a(2)."*

[AM 198]

-1f. In Article 7, the introductory wording is replaced by the following:

*"The Commission shall, in accordance with the examination procedure referred to in Article 11a(2), adopt the provisions necessary for the application of this Regulation, other than those referred to in Article 4, notably:"*

[AM 199]

-1g. Article 8 is deleted. [AM 200]

1. Article 10 is amended as follows:

(a) The introductory wording of paragraph 1 is replaced by the following:

"1. Where the Commission finds that there is sufficient evidence of fraud, irregularities or systematic failure by Moldova to comply, or to ensure compliance, with the rules of origin of products and the procedures related thereto and to provide administrative cooperation as referred to in Article 2(1), or a failure to comply with any of the other conditions defined in Article 2(1), it may take measures in accordance with the **advisory** procedure referred to in ~~Article 11a(2)~~ **Article 11a(1b)** to suspend in whole or in part the preferential arrangements provided for in this Regulation for a period of not more than six months, provided that it has first:"

[AM 201]

(b) Paragraph 2 is deleted.

(ba) Paragraph 3 is replaced by the following:

"3. *On conclusion of the period of suspension, the Commission shall decide either to terminate the provisional suspension measure or to extend the suspension measure in accordance with the advisory procedure referred to in Article 11a(1b)."*

[AM 326]

2. In Article 11, paragraph 1 is replaced by the following

"1. Where a product originating in Moldova is imported on terms which cause, or threaten to cause, serious difficulties to a Union producer of like or directly competing products, Common Customs Tariff duties on that product may be reintroduced at any time by the Commission in accordance with the examination procedure referred to in Article 11a(2)."

Wednesday 14 March 2012

2a. In Article 11, paragraph 5 is replaced by the following:

*"5. The investigation shall be completed within six months after the publication of the notice referred to in paragraph 2 of this Article. The Commission may, in the case of exceptional circumstances, extend this period in accordance with the advisory procedure referred to in Article 11a(1b)."*

[AM 327]

2b. In Article 11, paragraph 6 is replaced by the following:

*"6. The Commission shall take a decision within three months, in accordance with the examination procedure referred to in Article 11a(2). Such a decision shall enter into force within one month as from its publication."*

[AM 204]

2c. In Article 11, paragraph 7 is replaced by the following:

*"7. Where exceptional circumstances requiring immediate action make an investigation impossible, the Commission may take any preventive measure which is strictly necessary, in accordance with the procedure referred to in Article 11a(2a)."*

[AM 205]

3. The following article is inserted:

"Article 11a

Committee procedure

1. For the purposes of ~~Article 11~~ **Article 3(3) and Articles 11 and 12** of this Regulation, the Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports (\*). That committee shall be a committee within the meaning of Regulation (EU) No ~~[.../2011]~~ **182/2011**. [AM 206]

*1a. For the purpose of Article 4 of this Regulation the Commission shall be assisted by the committee established by Article 195 of Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (\*\*). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [AM 207]*

*1b. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 208]*

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

*2a. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof. [AM 209]*

Wednesday 14 March 2012

2b. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 210]

(\*) OJ L 84, 31.3.2009, p. 1.

(\*\*) OJ L 299, 16.11.2007, p. 1."

3a. In Article 12, paragraph 2 is replaced by the following:

"2. If Moldova does not comply with the rules of origin or does not provide administrative cooperation, as required in Article 2, for the before mentioned Chapters 17, 18, 19 and 21, or if imports of products under these Chapters subject to the preferential arrangements granted under this Regulation significantly exceed the usual levels of exports by Moldova, appropriate measures shall be taken in accordance with the examination procedure referred to in Article 11a(2)."

[AM 211]

17. COUNCIL REGULATION (EC) NO 594/2008 OF 16 JUNE 2008 ON CERTAIN PROCEDURES FOR APPLYING THE STABILISATION AND ASSOCIATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES, OF THE ONE PART, AND BOSNIA AND HERZEGOVINA, OF THE OTHER PART, AND FOR APPLYING THE INTERIM AGREEMENT ON TRADE AND TRADE-RELATED MATTERS BETWEEN THE EUROPEAN COMMUNITY, OF THE ONE PART, AND BOSNIA AND HERZEGOVINA, OF THE OTHER PART <sup>(1)</sup>

As regards Regulation (EC) No 594/2008, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 594/2008 is amended as follows:

-1. Recital 7 is deleted. [AM 212]

-1a. Recital 8 is replaced by the following:

"(8) In order to ensure uniform conditions for adopting detailed rules for the implementation of various provisions of the SAA, implementing powers should be conferred on the Commission. Those powers should be exercised 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 (\*).

(\*) OJ L 55, 28.2.2011, p. 13."

[AM 213]

-1b. The following recital is added:

"(8a) The advisory procedure should be used for the adoption of surveillance and provisional measures and for the temporary suspension of preferential treatment given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."

[AM 214]

<sup>(1)</sup> OJ L 169, 30.6.2008, p. 1.

Wednesday 14 March 2012

-1c. The following recital is added:

"(8b) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to exceptional and critical circumstances arising within the meaning of Articles 24(5)(b) and 25(4) of the Interim Agreement, and thereafter Article 39(5)(b) and 40(4) of the SAA, imperative grounds of urgency so require."

[AM 215]

-1d. Article 2 is replaced by the following:

"Article 2

*Concessions for fish and fishery products*

*Detailed rules on the implementation of Article 13 of the Interim Agreement, and thereafter Article 28 of the SAA, concerning the tariff quotas for fish and fishery products, shall be adopted by the Commission in accordance with the examination procedure referred to in Article 8a(2) of this Regulation".*

[AM 216]

-1e. Article 4 is replaced by the following:

"Article 4

*Technical adaptations*

*Amendments and technical adaptations to the provisions adopted pursuant to this Regulation rendered necessary by changes to the Combined Nomenclature codes and to the TARIC subdivisions or arising from the conclusion of new or modified Agreements, Protocols, Exchanges of Letters or other acts between the Union and Bosnia and Herzegovina, and which shall not entail any substantive changes, shall be adopted in accordance with the examination procedure referred to in Article 8a(2) of this Regulation."*

[AM 217]

-1f. Article 5 is replaced by the following:

"Article 5

*General safeguard clause*

*Where the Union needs to take a measure as provided for in Article 24 of the Interim Agreement, and thereafter Article 39 of the SAA, it shall be adopted in accordance with the examination procedure referred to in Article 8a(2) of this Regulation, unless otherwise specified in Article 24 of the Interim Agreement, and thereafter Article 39 of the SAA."*

[AM 218]

-1g. Article 6 is replaced by the following:

"Article 6

*Shortage clause*

*Where the Union needs to take a measure as provided for in Article 25 of the Interim Agreement, and thereafter Article 40 of the SAA, it shall be adopted in accordance with the examination procedure referred to in Article 8a(2) of this Regulation."*

[AM 219]



Wednesday 14 March 2012

1. In Article 7, the third, fourth and fifth paragraphs are replaced by the following:

"The Commission shall adopt such measures in accordance with the **advisory** procedure referred to in ~~Article 8a(2)~~ **Article 8a(1a)**. In cases of urgency, ~~Article 8a(3)~~ **Article 8a(2a)** shall apply."

[AM 220]

2. In Article 8, paragraph 2 is replaced by the following:

"2. The Commission shall adopt such measures in accordance with the examination procedure referred to in Article 8a(2). In cases of urgency, Article 8a(3) shall apply."

3. The following article is inserted:

"Article 8a

Committee procedure

**-1. For the purposes of Articles 2, 4 and 11 of this Regulation, the Commission shall be assisted by the Customs Code Committee established by Article 248a of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (\*). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [AM 221]**

**-1a. For the purposes of Article 6, the Commission shall be assisted by the Committee established by Council Regulation (EC) No 1061/2009 of 19 October 2009 establishing common rules for exports (\*\*). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [AM 222]**

1. For the purposes of ~~Articles 7 and 8~~ **Articles 5, 7 and 8** of this Regulation, the Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports (\*\*\*). That committee shall be a committee within the meaning of Regulation (EU) No ~~[.../2011]~~ **182/2011. [AM 223]**

**1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. [AM 224]**

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

**2a. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 4 thereof. [AM 225]**

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 5 thereof.

**3a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request. [AM 226]**

(\*) OJ L 302, 19.10.1992, p. 1.

(\*\*) OJ L 291, 7.11.2009, p. 1.

(\*\*\*) OJ L 84, 31.3.2009, p. 1."

- 3a. In Article 11, the third paragraph is replaced by the following:**

**"The Commission may decide, in accordance with the advisory procedure referred to in Article 8a(1a) of this Regulation, to suspend temporarily the relevant preferential treatment of the products as provided for in Article 29(4) of the Interim Agreement, and thereafter Article 44(4) of the SAA."**

[AM 227]

Wednesday 14 March 2012

3b. Article 12 is deleted. [AM 228]

18. COUNCIL REGULATION (EC) NO 732/2008 OF 22 JULY 2008 APPLYING A SCHEME OF GENERALISED TARIFF PREFERENCES FOR THE PERIOD FROM 1 JANUARY 2009 AND AMENDING REGULATIONS (EC) NO 552/97, (EC) NO 1933/2006 AND COMMISSION REGULATIONS (EC) NO 1100/2006 AND (EC) NO 964/2007 <sup>(1)</sup>

As regards Regulation (EC) No 732/2008, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission for the purpose of amending Annex I to that Regulation. Moreover, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No ~~xxxx/2011~~ 182/2011. [AM 229]

Accordingly, Regulation (EC) No 732/2008 is amended as follows:

-1. The following recital is inserted:

"(24a) In order to adopt the provisions necessary for the application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of granting the requesting country the special incentive arrangement for sustainable development and good governance and to amend Annex I to this Regulation accordingly, adopting detailed rules for implementing the provisions regarding the reduction of Common Customs Tariff duties on the products under tariff heading 1701, suspending Common Customs Tariff duties on the products under tariff headings 1006 and 1701, requiring import licences for imports of products under tariff heading 1701, removing a country from the arrangement by amending Annex I and to establish a transitional period, suspending the preferential arrangements provided for in this Regulation, temporarily withdrawing the preferential arrangements in respect of all or of certain products originating in a beneficiary country, and amending Annex I to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council."

[AM 230]

-1a. Recital 25 is replaced by the following:

"(25) In order to ensure uniform conditions for the adoption of provisional and definitive measures, for the imposition of prior surveillance measures, and for the termination of an investigation without measures, implementing powers should be conferred on the Commission. Those powers should be exercised 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 (\*).

(\*) OJ L 55, 28.2.2011, p. 13."

[AM 231]

-1b. The following recital is added:

"(25a) The advisory procedure in conjunction with immediately applicable implementing acts should be used for the initiation and the extension of an investigation, for adopting a decision to monitor and evaluate the situation in the beneficiary country for a period of six months if it considers that the temporary withdrawal of preferences is justified, and for the adoption of provisional measures given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."

[AM 232]

<sup>(1)</sup> OJ L 211, 6.8.2008, p. 1.

Wednesday 14 March 2012

-1c. Article 10 is amended as follows:

(a) Paragraph 2 is replaced by the following:

"2. The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to decide, after having examined the request, whether to grant the requesting country the special incentive arrangement for sustainable development and good governance and to amend Annex I accordingly.

Where a delay in action would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 27b shall apply to delegated acts adopted pursuant to this paragraph."

(b) Paragraph 5 is replaced by the following:

"5. The Commission shall conduct all relations with a requesting country concerning the request acting in accordance with the advisory procedure referred to in Article 27(5)."

[AM 233]

-1d. Article 11 is amended as follows:

(a) Paragraph 7 is replaced by the following:

"7. The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to adopt detailed rules for implementing the provisions referred to in paragraphs 4, 5 and 6 of this Article.

Where a delay in action would cause damage which would be difficult to repair and therefore imperative grounds of urgency so require, the procedure provided for in Article 27b shall apply to delegated acts adopted pursuant to this paragraph."

(b) Paragraph 8 is replaced by the following:

"8. When a country is excluded by the UN from the list of the least-developed countries, it shall be withdrawn from the list of the beneficiaries of the arrangement. The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to remove a country from the arrangement by amending Annex I and to establish a transitional period of at least three years."

[AM 234]

1. Article 16 is amended as follows:

(a) In paragraph 3, the introductory wording is replaced by the following:

"3. The Commission ~~may~~ shall be empowered to adopt delegated acts in accordance with Article 27a in order to suspend the preferential arrangements provided for in this Regulation, in respect of all or of certain products originating in a beneficiary country, in accordance with the procedure referred to in Article 27(6), where it considers that there is sufficient evidence that temporary withdrawal would be justified for the reasons referred to in paragraphs 1 and 2 of this Article, provided that it has first:"

[AM 235]

(b) Paragraph 4 is deleted.

2. Article 17 is replaced by the following:

"Article 17

1. Where the Commission or a Member State receives information that may justify temporary withdrawal and where the Commission or a Member State considers that there are sufficient grounds for an investigation, it shall inform the Committee referred to in Article 27.

Wednesday 14 March 2012

2. The Commission may decide, within one month and in accordance with the advisory procedure referred to in Article 27(5), to initiate an investigation."

**2a. In Article 18, paragraph 6 is replaced by the following:**

**"6. The investigation shall be completed within one year. The Commission may extend this period in accordance with the advisory procedure referred to in Article 27(5)."**

[AM 236]

3. Article 19 is amended as follows:

**(-a) Paragraph 1 is replaced by the following:**

**"1. The Commission shall submit a report on its findings to the Committee referred to in Article 27(1) as well as to the European Parliament."**

[AM 237]

**(-aa)  
Paragraph 2 is replaced by the following:**

**"2. Where the Commission considers that the findings do not justify temporary withdrawal, it shall decide, in accordance with the advisory procedure referred to in Article 27(5), to terminate the investigation. In that case, the Commission shall publish a notice in the Official Journal of the European Union, announcing the termination of the investigation and setting out its main conclusions."**

[AM 238]

(a) ~~in~~ Paragraph 3, ~~the second sentence~~ is replaced by the following:

**"3. Where the Commission considers that the findings justify temporary withdrawal for the reason referred to in Article 15(1)(a), it shall decide, in accordance with the advisory procedure referred to in Article 27(5), to monitor and evaluate the situation in the beneficiary country concerned for a period of six months.** The Commission shall notify the beneficiary country concerned of this decision and shall publish a notice in the Official Journal of the European Union, announcing that it intends to temporarily withdraw the preferential arrangements in respect of all or of certain products originating in a beneficiary country, unless, before the end of the period, the beneficiary country concerned makes a commitment to take the measures necessary to conform, in a reasonable period of time, with the conventions referred to in Part A of Annex III."

[AM 239]

(b) Paragraph 4 is replaced by the following:

**"4. ~~Where~~ The Commission ~~considers~~ shall be empowered to adopt delegated acts in accordance with Article 27a in order to decide on temporary withdrawal ~~to be necessary, it shall decide in accordance with the procedure referred to in Article 27(6).~~ In the case referred to in paragraph 3 of this Article, the Commission shall act at the end of the period referred to in that paragraph."**

[AM 240]

(c) Paragraph 5 is replaced by the following:

**"5. Where the Commission ~~decides~~ adopts a delegated act on temporary withdrawal, such a decision shall enter into force six months after it is taken, unless ~~the delegated act has been revoked, or~~ the Commission decides ~~to withdraw the delegated act~~ before ~~then that~~ because the reasons justifying it no longer prevail."**

[AM 241]

Wednesday 14 March 2012

4. Article 20 is amended as follows:

(a) Paragraph 5 is replaced by the following:

"5. The investigation shall be completed within six months from the date of publication of the notice referred to in paragraph 2 of this Article. The Commission may, in the case of exceptional circumstances, extend this period in accordance with the **advisory** procedure referred to in Article 27(5)."

[AM 328]

(b) Paragraph 6 is replaced by the following:

"6. The Commission shall take a decision within one month, in accordance with the examination procedure referred to in Article 27(6). Such a decision shall enter into force within one month from the date of its publication in the *Official Journal of the European Union*."

(c) Paragraph 7 is replaced by the following:

"7. Where exceptional circumstances requiring immediate action make an investigation impossible, the Commission may, in accordance with the procedure referred to in Article 27(7), take any ~~preventive~~ **provisional** measure which is strictly necessary.

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

**Provisional measures shall not apply for more than 200 days.**

**Should the provisional safeguard measures be repealed because the investigation shows that the conditions set out in this Article are not met, any customs duty collected as a result of those provisional measures shall be refunded automatically."**

[AM 243]

5. Article 21 is replaced by the following:

"Article 21

Where imports of products included in Annex I to the Treaty cause, or threaten to cause, serious disturbance to Union markets, in particular to one or more of the outermost regions, or these markets' regulatory mechanisms, the Commission, on its own initiative or at the request of a Member State, may suspend the preferential arrangements in respect of the products concerned in accordance with the **advisory** procedure referred to in ~~Article 27(6) after consulting the management committee for the relevant common market organisation~~ **Article 27(5)**."

[AM 329]

6. In Article 22, paragraph 2 is ~~deleted~~ **replaced by the following:**

"2. **Prior surveillance measures shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 27(5).**"

[AM 244]

6a. **The following article is inserted:**

"Article 22a

1. **Where the facts as finally established show that the conditions set out in Article 20 are not met, the Commission shall adopt a decision terminating the investigation and proceeding in accordance with the examination procedure referred to in Article 27(6).**

Wednesday 14 March 2012

2. *The Commission shall present, with due regard to the protection of confidential information within the meaning of Article 27c, a report setting forth its findings and reasoned conclusions reached on all pertinent issues of fact and law to the European Parliament. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public.*"

[AM 245]

6b. In Article 25, the introductory wording is replaced by the following:

*"The Commission shall be empowered to adopt delegated acts in accordance with Article 27a in order to adopt amendments to the Annexes made necessary:"*

[AM 246]

7. ~~In Article 27, the~~ **is replaced** by the following paragraphs ~~6 and 7 are added~~:

*"Article 27*

1. *The Commission shall be assisted by a Generalised Preferences Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*

5. *Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.*

6. *Where reference is made to this paragraph, Article 5 of Regulation (EU) No ~~xxx/2011~~ 182/2011 shall apply.*

7. *Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~xxx/2011~~ 182/2011 shall apply in conjunction with ~~Article 5~~ Article 4 thereof.*

7a. *Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."*

[AM 247]

7a. The following article is inserted:

*"Article 27a*

1. *The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*

2. *The power to adopt delegated acts referred to in Article 10(2), Article 11(7) and (8), Article 16(3), Article 19(4) and (5) and Article 25 shall be conferred on the Commission for a period of five years from ... (\*). The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

3. *The delegation of power referred to in Article 10(2), Article 11(7) and (8), Article 16(3), Article 19(4) and (5) and Article 25 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or on a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

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

Wednesday 14 March 2012

5. A delegated act adopted pursuant to Article 10(2), Article 11(7) and (8), Article 16(3), Article 19(4) and (5) and Article 25 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by four months at the initiative of the European Parliament or the Council.

(<sup>†</sup>) Date of entry into force of this Regulation."

[AM 330]

7b. The following article is inserted:

"Article 27b

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 27a(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council."

[AM 249]

7c. The following article is inserted:

"Article 27c

1. Information received pursuant to this Regulation shall be used only for the purpose for which it was requested.

2. No information of a confidential nature nor any information provided on a confidential basis received pursuant to this Regulation shall be disclosed without specific permission from the supplier of such information.

3. Each request for confidentiality shall state the reasons why the information is confidential. However, if the supplier of the information wishes neither to make it public nor to authorise its disclosure in general terms or in the form of a summary and if it appears that the request for confidentiality is unjustified, the information concerned may be disregarded.

4. Information shall in any case be considered to be confidential if its disclosure is likely to have a significantly adverse effect upon the supplier or the source of such information.

5. Paragraphs 1 to 4 shall not preclude reference by the Union authorities to general information and in particular to reasons on which decisions taken pursuant to this Regulation are based. Those authorities shall, however, take into account the legitimate interest of natural and legal persons concerned that their business secrets should not be divulged."

[AM 250]

7d. The following article is inserted:

"Article 27d

1. The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall cover all of the preferential arrangements referred to in Article 1(2), include information about the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom, including obligations concerning barriers to trade, and present a summary of the statistics and the evolution of trade with the beneficiary countries and territories.

Wednesday 14 March 2012

2. *The Generalised Preferences Committee and the European Parliament shall examine the effects of the scheme on the basis of the report. The European Parliament may invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of the Agreement.*

3. *No later than six months after presenting the report to the Generalised Preferences Committee and the European Parliament, the Commission shall make the report public."*

[AM 251]

#### 19. COUNCIL REGULATION (EC) NO 597/2009 OF 11 JUNE 2009 ON PROTECTION AGAINST SUBSIDISED IMPORTS FROM COUNTRIES NOT MEMBERS OF THE EUROPEAN COMMUNITY <sup>(1)</sup>

As regards Regulation (EC) No 597/2009, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 597/2009 is amended as follows:

**-1. Recital 16 is replaced by the following:**

"(16) *It is necessary to provide that the termination of cases should, irrespective of whether definitive measures are adopted or not, normally take place within 11 months and in no case later than 12 months, from the initiation of the investigation. Only if Member States indicate to the Commission that they expect an intense controversy in the decision making process with the need to submit a draft implementing act to the appeal committee pursuant to Article 6 of 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 (\*), then the Commission should be able to decide, to extend the time limit, for a period up to, but in no case longer than, 13 months.* [AM 252]

(\*) OJ L 55, 28.2.2011, p. 13."

**-1a. Recital 26 is deleted.** [AM 253]

**-1b. The following recital is inserted:**

"(26a) *In order to ensure uniform conditions for the adoption of provisional and definitive measures, and for the termination of an investigation without measures, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011."*

[AM 254]

**-1c. The following recital is inserted:**

"(26b) *The advisory procedure should be used for the adoption of provisional measures and for terminating an investigation given the effects of those measures and their sequential logic in relation to the adoption of definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."*

[AM 255]

<sup>(1)</sup> OJ L 188, 18.7.2009, p. 93.



Wednesday 14 March 2012

-1d. In Article 10(1), the second subparagraph is replaced by the following:

*"The complaint may be submitted to the Commission, or to a Member State, which shall forward it to the Commission. The Commission shall send Member States a copy of any complaint it receives. The complaint shall be deemed to have been lodged on the first working day following its delivery to the Commission by registered mail or the issuing of an acknowledgement of receipt by the Commission. Before the initiation of proceedings the Commission shall inform the Member States and give them the opportunity to express their views."*

[AM 256]

1. In Article 10, paragraph 11 is replaced by the following:

*"11. Where it is apparent that there is sufficient evidence to justify initiating proceedings, the Commission shall do so within 45 days of the lodging of the complaint and shall publish a notice in the Official Journal of the European Union. Where insufficient evidence has been presented, the complainant shall be so informed within 45 days of the date on which the complaint is lodged with the Commission."*

2. In Article 11, paragraph 9 is replaced by the following:

*"9. For proceedings pursuant to Article 10(11), an investigation shall, whenever possible, be concluded within ~~one year~~ **11 months**. In any event, such investigations shall be concluded within ~~13 months~~ **12 months** of initiation, in accordance with the findings made pursuant to Article 13 for undertakings or the findings made pursuant to Article 15 for definitive action. ~~In exceptional cases, having regard to the complexity of the investigation, the Commission may decide, no later than 8 months after the initiation of the investigation, to extend this time limit, for a period up to, but in no case longer than, 18 months.~~"*

[AM 257]

2a. In Article 11, the following paragraph is inserted:

*"9a. No later than 32 weeks after the initiation of the investigation the Commission shall consult the Member States on the basis of the findings of the investigation. The Member States shall in this consultation indicate to the Commission whether they expect an intense controversy in the decision making process pursuant to Articles 14 and 15 of this Regulation for definitive action which would be likely to trigger the appeal procedure referred to in Article 6 of Regulation (EU) No 182/2011. If so the Commission may decide, no later than eight months after the initiation of the investigation, to extend the time limit of paragraph 9 of this Article, for a period up to, but in no case longer than, 13 months. The Commission shall make this decision public."*

[AM 258]

3. Article 12 is amended as follows:

(a) In paragraph 1, the second subparagraph is replaced by the following:

*"The provisional duties shall be imposed no earlier than 60 days, and no later than ~~9 months~~ **8 months**, from the initiation of the proceedings. ~~In exceptional cases, having regard to the complexity of the investigation, In the event that the Member States indicate to the Commission pursuant to Article 11(9a) that they expect an intense controversy in the decision making process pursuant to Articles 14 and 15 of this Regulation for definitive action which would be likely to trigger the appeal procedure referred to in Article 6 of Regulation (EU) No 182/2011, the Commission may decide, no later than 8 months after the initiation of the investigation, to extend this time limit, to a period up to, but in no case longer than, 12 months~~ **9 months**."*

[AM 259]

**Wednesday 14 March 2012**

(b) Paragraph 3 is replaced by the following:

"3. The Commission shall adopt provisional measures in accordance with the procedure referred to in Article 25(3)."

(c) Paragraph 5 is deleted.

4. Article 13 is amended as follows:

(a) Paragraph 1 is replaced by the following:

"1. Upon condition that a provisional affirmative determination of subsidisation and injury has been made, the Commission may accept satisfactory voluntary undertakings offers under which:

(a) the country of origin and/or export agrees to eliminate or limit the subsidy or take other measures concerning its effects; or

(b) any exporter undertakes to revise its prices or to cease exports to the area in question as long as such exports benefit from countervailable subsidies, so that the Commission is satisfied that the injurious effect of the subsidies is thereby eliminated.

In such a case and as long as such undertakings are in force, the provisional duties imposed by the Commission in accordance with Article 12(3) and the definitive duties imposed in accordance with Article 15(1) shall not apply to the relevant imports of the product concerned manufactured by the companies referred to in the Commission decision accepting undertakings and in any subsequent amendment of that decision.

Price increases under such undertakings shall not be higher than is necessary to offset the amount of countervailable subsidies, and should be less than the amount of countervailable subsidies if such increases would be adequate to remove the injury to the Union industry."

(b) Paragraph 5 is replaced by the following:

"5. Where undertakings are accepted the investigation shall be terminated. The Commission shall terminate the investigation in accordance with the **examination** procedure referred to in Article 25(2). ***The chair may obtain the committee's opinion by the written procedure referred to in Article 15(5).***"

[AM 260]

(c) In paragraph 9, the first subparagraph is replaced by the following:

"9. In case of breach or withdrawal of undertakings by any party to the undertaking, or in case of withdrawal of acceptance of the undertaking by the Commission, the acceptance of the undertaking shall be withdrawn by Commission Decision or Commission Regulation, as appropriate, and the provisional duty which has been imposed by the Commission in accordance with Article 12 or the definitive duty which has been imposed in accordance with Article 15(1), shall apply, provided that the exporter concerned, or the country of origin and/or export has, except in the case of withdrawal of the undertaking by the exporter or such country, been given an opportunity to comment."

(d) Paragraph 10 is replaced by the following:

"10. A provisional duty may be imposed in accordance with Article 12 on the basis of the best information available, where there is reason to believe that an undertaking is being breached, or in case of breach or withdrawal of an undertaking where the investigation which led to the undertaking has not been concluded."

Wednesday 14 March 2012

5. In Article 14, paragraph 2 is replaced by the following:

"2. Where protective measures are unnecessary the investigation or proceedings shall be terminated. The Commission shall terminate the investigation in accordance with the **advisory** procedure referred to in ~~Article 25(2)~~ **Article 25(1a)**. ***The chair may obtain the committee's opinion by the written procedure referred to in Article 25(4b).***"

[AM 261]

6. In Article 15, paragraph 1 is amended as follows:

- (a) The first subparagraph is replaced by the following:

"1. Where the facts as finally established show the existence of countervailable subsidies and injury caused thereby, and the Union interest calls for intervention in accordance with Article 31, a definitive countervailing duty shall be imposed by the Commission acting in accordance with the examination procedure referred to in Article 25(2). Where provisional duties are in force, the Commission shall initiate this procedure no later than one month before the expiry of such duties."

- (b) The second and third subparagraphs are deleted.

7. In Article 16(2), the first subparagraph is replaced by the following:

"2. Where a provisional duty has been applied and the facts as finally established show the existence of countervailable subsidies and injury, the Commission shall decide, irrespective of whether a definitive countervailing duty is to be imposed, what proportion of the provisional duty is to be definitively collected."

8. In Article 20, the second paragraph is replaced by the following:

"Such a review shall be initiated after Union producers have been given an opportunity to comment."

9. In Article 21(4), the first subparagraph is replaced by the following:

"4. The Commission shall decide whether and to what extent the application should be granted, or it may decide at any time to initiate an interim review, whereupon the information and findings from such review, carried out in accordance with the provisions applicable for such reviews, shall be used to determine whether and to what extent a refund is justified."

10. Article 22 is amended as follows:

- (a) In paragraph 1, the second subparagraph is replaced by the following:

"Reviews carried out pursuant to Articles 18 and 19 shall be carried out expeditiously and shall normally be concluded within ~~12 months~~ **11 months** of the date of initiation of the review. In any event, reviews pursuant to Articles 18 and 19 shall be concluded within ~~15 months~~ **14 months** of initiation. ~~In exceptional cases, having regard to the complexity of the investigation,~~ **No later than 32 weeks after the initiation of the investigation pursuant to Article 11 the Commission shall consult the Member States on the basis of the findings of the investigation. The Member States shall in this consultation indicate to the Commission whether they expect an intense controversy in the decision making process pursuant to Articles 14 and 15 for definitive action which would be likely to trigger the appeal procedure referred to in Article 6 of Regulation (EU) No 182/2011. If so** the Commission may decide, no later than ~~9 months~~ **eight months** after the initiation of the investigation, to extend ~~this~~ **the** time limit, for a period up to, but in no case longer than, ~~18 months~~ **15 months**. **The Commission shall make this decision public.**"

[AM 262]

**Wednesday 14 March 2012**

(b) In paragraph 1, the fifth subparagraph is deleted.

(c) Paragraph 2 is replaced by the following:

"2. Reviews pursuant to Articles 18, 19 and 20 shall be initiated by the Commission. ***Before the initiation of proceedings the Commission shall inform the Member States and give them the opportunity to express their views.***"

[AM 263]

11. Article 23 is amended as follows:

(a) In paragraph 4, the first subparagraph is replaced by the following:

"Investigations shall be initiated pursuant to this Article on the initiative of the Commission or at the request of a Member State or of any interested party on the basis of sufficient evidence regarding the factors set out in paragraphs 1, 2 and 3. Initiations shall be made by Commission Regulation which may also instruct the customs authorities to make imports subject to registration in accordance with Article 24(5) or to request guarantees."

(b) In paragraph 4, the third subparagraph is replaced by the following:

"If the facts as finally ascertained justify the extension of measures, this shall be done by the Commission acting in accordance with the examination procedure referred to in Article 25(2)."

(c) In paragraph 6, the fourth subparagraph is replaced by the following:

"These exemptions are granted by decision of the Commission and shall remain valid for the period and under the conditions set down therein."

12. Article 24 is amended as follows:

(a) Paragraph 4 is replaced by the following:

"4. In the Union interest, measures imposed pursuant to this Regulation may be suspended by a decision of the Commission for a period of nine months. The suspension may be extended for a further period, not exceeding one year, by the Commission acting in accordance with the ***advisory*** procedure referred to in ~~Article 25(2)~~ ***Article 25(1a)***. [AM 264]

Measures may only be suspended where market conditions have temporarily changed to an extent that injury would be unlikely to resume as a result of the suspension, and provided that the Union industry has been given an opportunity to comment and these comments have been taken into account. Measures may, at any time, be reinstated if the reason for suspension is no longer applicable."

(b) In paragraph 5, the first subparagraph is replaced by the following:

"The Commission may direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports from the date of such registration."

13. Article 25 is replaced by the following:

"Article 25

Committee procedure

1. The Commission shall be assisted by the Anti-subsidy Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

Wednesday 14 March 2012

**1a.** Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. The advisory committee shall deliver its opinion within one month of the date of referral. Amendments shall be suggested at the latest three days before the meeting of the committee. [AM 265]

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No ~~xxx/2011~~ **182/2011** shall apply. **The examination committee shall deliver its opinion within one month of the date of referral. Amendments shall be suggested at the latest three days before the meeting of the committee.** [AM 266]

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~xxx/2011~~ **182/2011** shall apply in conjunction with ~~Article 5~~ **Article 4** thereof. [AM 267]

4. Pursuant to Article 3(5) of Regulation (EU) No 182/2011 where recourse is made to written procedure, such procedure shall be terminated without result where, within the time limit set down by the chair, the chair so decides or a majority of committee members as defined in Article 5(1) of Regulation (EU) No 182/2011 so request.

**4a.** In the event that a draft implementing act is submitted to the appeal committee pursuant to Article 6 of Regulation (EU) No 182/2011, it shall deliver its opinion within one month of the date of referral. Amendments shall be suggested at the latest three days before the meeting of the committee. [AM 268]

**4b.** Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."

[AM 269]

14. In Article 29, paragraph 5 is replaced by the following:

"5. The Commission and the Member States, or the officials of any of these, shall not reveal any information received pursuant to this Regulation for which confidential treatment has been requested by its supplier, without specific permission from the supplier. Exchanges of information between the Commission and Member States, or any internal documents prepared by the authorities of the Union or its Member States, shall not be divulged except as specifically provided for in this Regulation."

15. Article 30 is amended as follows:

(a) Paragraph 4 is replaced by the following:

"4. Final disclosure shall be given in writing. It shall be made, due regard being had to the protection of confidential information, as soon as possible and, normally, no later than one month prior to the initiation of the procedures set out in Articles 14 or 15. Where the Commission is not in a position to disclose certain facts or considerations at that time, these shall be disclosed as soon as possible thereafter.

Disclosure shall not prejudice any subsequent decision which may be taken by the Commission but where such a decision is based on any different facts and considerations, these shall be disclosed as soon as possible."

(b) Paragraph 5 is replaced by the following:

"5. Representations made after final disclosure is given shall be taken into consideration only if received within a period to be set by the Commission in each case, which shall be at least 10 days, due consideration being given to the urgency of the matter. A shorter period can be set whenever a final disclosure has already been made."

**Wednesday 14 March 2012**

16. Article 31 is amended as follows:

(a) Paragraph 4 is replaced by the following:

"4. The parties which have acted in conformity with paragraph 2 may provide comments on the application of any provisional duties. Such comments shall be received within 15 days of the application of such measures if they are to be taken into account and they, or appropriate summaries thereof, shall be made available to other parties who shall be entitled to respond to such comments".

(b) Paragraph 5 is replaced by the following:

"5. The Commission shall examine the information which is properly submitted and the extent to which it is representative, and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Committee."

(c) In paragraph 6, the second sentence is replaced by the following:

"Such information shall be made available to the extent possible and without prejudice to any subsequent decision taken by the Commission."

**16a. The following article is inserted:**

**"Article 33a**

**Report**

- 1. The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the application of provisional and definitive measures, the imposition of prior surveillance measures, the termination of investigations without measures, reviews and verification visits, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom.**
- 2. The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation.**
- 3. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."**

[AM 270]

**20. COUNCIL REGULATION (EC) NO 260/2009 OF 26 FEBRUARY 2009 ON THE COMMON RULES FOR IMPORTS <sup>(1)</sup>**

As regards Regulation (EC) No 260/2009, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 260/2009 is amended as follows:

**-1. Recital 11 is replaced by the following:**

**"(11) In order to ensure uniform conditions for the adoption of provisional and definitive safeguard measures, and for the imposition of prior surveillance measures, implementing powers should be conferred on the Commission. Those powers should be exercised 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 (\*).**

(\*) OJ L 55, 28.2.2011, p. 13."

[AM 271]

<sup>(1)</sup> OJ L 84, 31.3.2009, p. 1.

Wednesday 14 March 2012

**-1a. The following recital is inserted:**

**"(11a) The advisory procedure should be used for the adoption of surveillance and provisional measures given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."**

[AM 272]

1. Article 3 is deleted.
2. Article 4 is replaced by the following:

"Article 4

1. The Commission shall be assisted by a Committee on Safeguards. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

**1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.**  
[AM 273]

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~182/2011~~ **182/2011** shall apply in conjunction with ~~Article 5~~ **Article 4** thereof. [AM 274]

**3a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.** [AM 275]

4. Pursuant to Article 3(5) of Regulation (EU) No 182/2011 where recourse is made to written procedure, such procedure shall be terminated without result where, within the time limit set down by the chair, the chair so decides or a majority of committee members as defined in Article 5(1) of Regulation (EU) No 182/2011 so request."

3. Article 6 is amended as follows:

(a) In paragraph 1, the first sentence is replaced by the following:

"Where it is apparent to the Commission that there is sufficient evidence to justify the initiation of an investigation, the Commission shall initiate an investigation within one month of receipt of information from a Member State and publish a notice in the *Official Journal of the European Union*."

(b) In paragraph 2, the first subparagraph is replaced by the following:

"The Commission shall seek all information it deems necessary and, where it considers it appropriate endeavour to check this information with importers, traders, agents, producers, trade associations and organisations."

(c) Paragraph 7 is replaced by the following:

"7. Where it appears to the Commission that there is insufficient evidence to justify an investigation, it shall inform the Member States of its decision within one month of receipt of the information from the Member States."

**Wednesday 14 March 2012**

4. In Article 7, paragraph 2 is replaced by the following:

"2. Where the Commission considers, within nine months of the initiation of the investigation, that no Union surveillance or safeguard measures are necessary, the investigation shall be terminated within one month."

5. In Article 9, paragraph 2 is replaced by the following:

"2. Neither the Commission, nor the Member States, nor the officials of any of these shall reveal any information of a confidential nature received pursuant to this Regulation, or any information provided on a confidential basis without specific permission from the supplier of such information."

6. In Article 11, paragraph 2 is replaced by the following:

"2. The decision to impose surveillance shall be taken by the Commission **by means of implementing acts** in accordance with the **advisory** procedure ~~laid down~~ **referred to in Article 16(6) Article 4(1a)**."

[AM 276]

7. Article 13 is replaced by the following:

"Article 13

Where import of a product has not been made subject to prior Union surveillance the Commission, in accordance with Article 18, may introduce surveillance confined to imports into one or more regions of the Union."

8. In Article 16, paragraphs 6 and 7 are replaced by the following:

"6. Where intervention by the Commission has been requested by a Member State, the Commission, acting in accordance with the procedure referred to in ~~Article 4(2)~~ **Article 4(3)** shall take a decision within a maximum of five working days of receipt of such a request. ~~In cases of urgency, Article 4(3) shall apply.~~"

[AM 277]

9. Article 17 is replaced by the following:

"Article 17

Where the interests of the Union so require, the Commission, acting in accordance with the examination procedure referred to in Article 4(2) and the terms of Chapter III, may adopt appropriate measures to prevent a product being imported into the Union in such greatly increased quantities and/or on such terms or conditions as to cause, or threaten to cause, serious injury to Union producers of like or directly competing products.

Article 16(2) to (5) shall apply."

10. In Article 21, paragraph 2 is replaced by the following:

"2. Where the Commission considers that any surveillance or safeguard measure referred to in Articles 11, 13, 16, 17 and 18 should be revoked or amended, it shall, acting in accordance with the examination procedure referred to in Article 4(2), revoke or amend the measure."

11. Article 23 is replaced by the following:

"Article 23

Where the interests of the Union so require, the Commission, acting in accordance with the **examination** procedure referred to in Article 4(2), may adopt appropriate measures **implementing legislative acts, which shall not entail any substantive changes**, to allow the rights and obligations of the Union or of all its Member States, in particular those relating to trade in commodities, to be exercised and fulfilled at international level."

[AM 278]



Wednesday 14 March 2012

11a. The following article is inserted:

"Article 23a

1. The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the application of provisional and definitive measures, prior surveillance measures, regional surveillance and safeguard measures, the termination of investigations without measures, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom.

2. The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation.

3. No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."

[AM 279]

21. COUNCIL REGULATION (EC) NO 625/2009 OF 7 JULY 2009 ON COMMON RULES FOR IMPORTS FROM CERTAIN THIRD COUNTRIES <sup>(1)</sup>

As regards Regulation (EC) No. 625/2009, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 625/2009 is amended as follows:

-1. Recital 10 is replaced by the following:

"(10) In order to ensure uniform conditions for the adoption of provisional and definitive safeguard measures, and for the imposition of prior surveillance measures, implementing powers should be conferred on the Commission. Those powers should be exercised 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 (\*).

(\*) OJ L 55, 28.2.2011, p. 13."

[AM 280]

-1a. The following recital is inserted:

"(10a) The advisory procedure should be used for the adoption of surveillance and provisional measures given the effects of those measures and their sequential logic in relation to the adoption of definitive safeguard measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."

[AM 281]

1. Article 3 is deleted.

2. Article 4 is replaced by the following:

"Article 4

1. The Commission shall be assisted by the Committee on Safeguards established by Article 4(1) of Council Regulation (EC) No 260/2009 of 26 February 2009 on the common rules for imports (\*). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

<sup>(1)</sup> OJ L 185, 17.7.2009, p. 1.

Wednesday 14 March 2012

**1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.** [AM 282]

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~182/2011~~ **182/2011** shall apply in conjunction with ~~Article 5~~ **Article 4** thereof. [AM 283]

**3a. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.** [AM 284]

4. Pursuant to Article 3(5) of Regulation (EU) No 182/2011 where recourse is made to written procedure, such procedure shall be terminated without result where, within the time limit set down by the chair, the chair so decides or a majority of committee members as defined in Article 5(1) of Regulation (EU) No 182/2011 so request.

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(\*) OJ L 84, 31.3.2009, p. 1."

3. Article 5 is amended as follows:

(a) In paragraph 1 the first sentence is replaced by the following:

"Where it is apparent to the Commission that there is sufficient evidence to justify an investigation, the Commission shall initiate an investigation within one month of receipt of information from a Member State and publish a notice in the *Official Journal of the European Union*."

(b) In paragraph 2, the first subparagraph is replaced by the following:

"The Commission shall seek all information it deems necessary and, where it considers it appropriate endeavour to check this information with importers, traders, agents, producers, trade associations and organisations."

(c) Paragraph 6 is replaced by the following:

"6. Where it appears to the Commission that there is insufficient evidence to justify an investigation, it shall inform the Member States of its decision within one month of receipt of the information from the Member States."

4. In Article 6(2), the first sentence is replaced by the following:

"Where, within nine months of the initiation of the investigation, the Commission considers that no Union surveillance or safeguard measures are necessary, the investigation shall be terminated."

5. In Article 7, paragraph 2 is replaced by the following:

"2. The Commission, the Member States and the officials of any of these, shall not reveal any information of a confidential nature received pursuant to this Regulation, or any information provided on a confidential basis, without specific permission from the supplier of such information."

**5a. In Article 9, the following paragraph is inserted:**

**"1a. The decisions of paragraph 1 shall be taken by the Commission by means of implementing acts in accordance with the advisory procedure referred to in Article 4(1a)."**

[AM 285]

Wednesday 14 March 2012

5b. In Article 11, the second indent is replaced by the following:

"— *make issue of that document subject to certain conditions and, as an exceptional measure, subject to insertion of a revocation clause.*"

[AM 286]

6. Article 12 is replaced by the following:

"Article 12

Where import of a product has not been made subject to prior Union surveillance, the Commission may introduce, **by means of implementing acts in accordance with the advisory procedure referred to in Article 4(1a) and** in accordance with Article 17, surveillance confined to imports into one or more regions of the Union."

[AM 287]

7. Article 15 is amended as follows:

(a) Paragraph 2 is replaced by the following:

"The measures adopted shall be communicated forthwith to the Member States and shall take effect immediately.";

(b) Paragraphs 4, 5 and 6 are replaced by the following:

"4. Where intervention by the Commission has been requested by a Member State, the Commission, acting in accordance with the procedure referred to in ~~Article 4(2)~~ **Article 4(3)**, shall take a decision within a maximum of five working days of receipt of such a request. ~~In cases of urgency, Article 4(3) shall apply.~~"

[AM 288]

8. In Article 16, paragraph 1 is replaced by the following:

"1. The Commission may, in particular in the situation referred to in Article 15(1), adopt appropriate **safeguard** measures acting in accordance with the **examination** procedure referred to in Article 4(2)."

[AM 289]

8a. In Article 18(1), the introductory wording, is replaced by the following:

"1. **While any surveillance or safeguard measure applied in accordance with Chapters IV and V is in operation, the consultations within the Committee provided for in Article 4(1) shall be held, either at the request of a Member State or on the initiative of the Commission. The purpose of such consultations shall be:**"

[AM 290]

9. In Article 18, paragraph 2 is replaced by the following:

"2. Where the Commission considers that any surveillance or safeguard measure referred to in Chapters IV and V should be revoked or amended, it shall revoke or amend the measures."

Wednesday 14 March 2012

9a. *The following article is inserted:*

"Article 19a

1. *The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the application of provisional and definitive measures, prior surveillance measures, regional surveillance and safeguard measures, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom.*

2. *The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation.*

3. *No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."*

[AM 291]

22. **COUNCIL REGULATION (EC) NO 1061/2009 OF 19 OCTOBER 2009 ESTABLISHING COMMON RULES FOR EXPORTS <sup>(1)</sup>**

As regards Regulation (EC) No 1061/2009, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 1061/2009 is amended as follows:

-1. *The following recital is inserted:*

"(11a) *In order to ensure uniform conditions for the adoption of protective measures to prevent a critical situation from arising on account of a shortage of essential products, or to remedy such a situation, and to make the export of a product subject to the production of an export authorisation, implementing powers should be conferred on the Commission. Those powers should be exercised 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 (\*).*

(\*) *OJ L 55, 28.2.2011, p. 13."*

[AM 292]

1. Article 3 is deleted.
2. Article 4 is replaced by the following:

"Article 4

1. The Commission shall be assisted by the Committee on common rules for exports. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011 shall apply in conjunction with Article 5 thereof.

3a. *Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."*

[AM 293]

<sup>(1)</sup> OJ L 291, 7.11.2009, p. 1.

Wednesday 14 March 2012

3. Article 6 is amended as follows:

(a) Paragraph 1 is replaced by the following:

"1. In order to prevent a critical situation from arising on account of a shortage of essential products, or to remedy such a situation, and where Union interests call for immediate intervention, the Commission, acting at the request of a Member State or on its own initiative, and taking account of the nature of the products and of the other particular features of the transactions in question, may make the export of a product subject to the production of an export authorisation, the granting of which shall be governed by such provisions and subject to such limits as the Commission shall lay down in accordance with the examination procedure referred to in Article 4(2). In cases of urgency, Article 4(3) shall apply."

(aa) Paragraph 2 is replaced by the following:

"2. *The European Parliament, the Council and the Member States shall be notified of the measures taken. Such measures shall take effect immediately.*"

[AM 294]

(b) In paragraph 4, the second sentence is deleted.

(c) Paragraphs 5 and 6 are replaced by the following:

"5. Where the Commission has acted pursuant to paragraph 1 of this Article, it shall, not later than 12 working days following the entry into force of the measure which it has taken decide whether to adopt appropriate measures as provided for in Article 7. If, at the end of six weeks following the entry into force of the measure, no measures have been adopted, the measure in question shall be deemed revoked."

4. In Article 7(1), the introductory wording is replaced by the following:

"Where the interests of the Union so require, the Commission may, acting in accordance with the examination procedure referred to in Article 4(2), adopt appropriate measures."

5. In Article 8, paragraph 2 is replaced by the following:

"2. Where the Commission considers that any measure provided for in Article 6 or 7 should be revoked or amended, it shall act in accordance with the examination procedure referred to in Article 4(2)."

5a. *In Article 9, the first paragraph is replaced by the following:*

*"In respect of products listed in Annex I, until such time as the European Parliament and the Council adopt appropriate measures pursuant to international commitments entered into by the Union or all its Member States, Member States shall be authorised to implement, without prejudice to rules adopted by the Union in this field, the emergency sharing system introducing an allocation obligation vis-à-vis third countries provided for in international commitments entered into before the entry into force of this Regulation."*

[AM 295]

5b. *The following article is inserted:*

*"Article 9a*

*1. The Commission shall present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the application of protective measures, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom.*

Wednesday 14 March 2012

2. *The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation.*

3. *No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."*

[AM 296]

**~~23. COUNCIL REGULATION (EC) NO 1215/2009 OF 30 NOVEMBER 2009 INTRODUCING EXCEPTIONAL TRADE MEASURES FOR COUNTRIES AND TERRITORIES PARTICIPATING IN OR LINKED TO THE EUROPEAN UNION'S STABILISATION AND ASSOCIATION PROCESS <sup>(\*)</sup>~~**

~~As regards Regulation (EC) No 1215/2009, the Commission should be empowered to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No [xxxx/2011] of [xx/yy/2011] of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers <sup>(2)</sup>.~~

~~Accordingly, Regulation (EC) No 1215/2009 is amended as follows:~~

~~1. Article 2 is amended as follows:~~

~~(a) In paragraph 2, the second subparagraph is deleted;~~

~~(b) The following paragraph 3 is added:~~

~~"3. In the event of non-compliance in respect of paragraphs 1 or 2, the benefits of this Regulation for the country may be suspended, in whole or in part, in accordance with the procedure referred to in Article 8a(2)."~~

~~2. The following Article 8a is inserted:~~

~~"Article 8a~~

~~**Committee**~~

~~1. For the purposes of Articles 2 and 10, the Commission shall be assisted by the Western Balkans Implementation Committee. That Committee shall be a Committee within the meaning of Regulation (EU) No [..../2011].~~

~~2. Where reference is made to this paragraph, Article [5] of Regulation (EU) No [xxxx/2011] shall apply."~~

~~3. Article 10 is amended as follows:~~

~~(a) Paragraph 1 is amended as follows:~~

~~(1) Point (a) is replaced by the following:~~

~~"(a) informed the Western Balkans Implementation Committee;"~~

~~(2) The following second subparagraph is added:~~

~~"The measures referred to in the first subparagraph shall be adopted in accordance with the procedure referred to in Article 8a(2)."~~

<sup>(\*)</sup> OJ L 328, 15.12.2009, p. 1.

<sup>(2)</sup> OJ L...

Wednesday 14 March 2012

(b) Paragraph 2 is deleted;

(c) Paragraph 3 is replaced by the following:

~~"On conclusion of the period of suspension, the Commission shall decide either to terminate the provisional suspension measure or to extend the suspension measure in accordance with paragraph 1."~~

[AM 297]

#### 24. COUNCIL REGULATION (EC) NO 1225/2009 OF 30 NOVEMBER 2009 ON PROTECTION AGAINST DUMPED IMPORTS FROM COUNTRIES NOT MEMBERS OF THE EUROPEAN COMMUNITY <sup>(1)</sup>

As regards Regulation (EC) No 1225/2009, implementing powers should be conferred on the Commission to adopt the measures necessary for the implementation of that Regulation in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 1225/2009 is amended as follows:

-1. Recital 15 is replaced by the following:

"(15) It is necessary to provide that the termination of cases should, irrespective of whether definitive measures are adopted or not, normally take place within 12 months, and in no case later than 14 months, from the initiation of the investigation. Only if Member States indicate to the Commission that they expect an intense controversy in the decision making process with the need to submit a draft implementing act to the appeal committee pursuant to Article 6 of 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 (\*) then the Commission should be able to decide, to extend the time limit, for a period up to, but in no case longer than, 15 months. Investigations or proceedings should be terminated where the dumping is de minimis or the injury is negligible, and it is appropriate to define those terms. Where measures are to be imposed, it is necessary to provide for the termination of investigations and to lay down that measures should be less than the margin of dumping if such lesser amount would remove the injury, as well as to specify the method of calculating the level of measures in cases of sampling.

(\*) OJ L 55, 28.2.2011, p. 13."

[AM 298]

-1a. Recital 27 is deleted. [AM 299]

-1b. Recital 28 is replaced by the following:

"(28) In order to ensure uniform conditions for the adoption of provisional and definitive duties, and for the termination of an investigation without measures, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011."

[AM 300]

-1c. The following recital is inserted:

"(28a) The advisory procedure should be used for extending the suspension of measures, the termination of investigations, and for the adoption of provisional measures given the effects of those measures and their sequential logic in relation to the adoption of definitive measures. Where a delay in the imposition of measures would cause damage which would be difficult to repair it is necessary to allow the Commission to adopt immediately applicable provisional measures."

[AM 301]

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

Wednesday 14 March 2012

1. In Article 2(7), the final subparagraph is replaced by the following:

"A determination by the Commission whether the producer meets the abovementioned criteria shall be made within ~~six~~ **a standard period of three** months of the initiation of the investigation after the Union industry has been given an opportunity to comment ~~This determination shall remain in force throughout the investigation.~~ **for at least one month.**"

[AM 302]

- 1a. In Article 5(1), the second subparagraph is replaced by the following:

*"The complaint may be submitted to the Commission, or to a Member State, which shall forward it to the Commission. The Commission shall send Member States a copy of any complaint it receives. The complaint shall be deemed to have been lodged on the first working day following its delivery to the Commission by registered mail or the issuing of an acknowledgement of receipt by the Commission. Before the initiation of proceedings the Commission shall inform the Member States and give them the opportunity to express their views."*

[AM 303]

2. In Article 5, paragraph 9 is replaced by the following:

"9. Where it is apparent that there is sufficient evidence to justify initiating a proceeding, the Commission shall do so within 45 days of the lodging of the complaint and shall publish a notice in the *Official Journal of the European Union*. Where insufficient evidence has been presented, the complainant shall be so informed within 45 days of the date on which the complaint is lodged with the Commission."

3. In Article 6, paragraph 9 is replaced by the following:

"9. For a proceeding initiated pursuant to Article 5(9), an investigation shall, whenever possible, be concluded within one year. In any event, such investigations shall be concluded within ~~15 months~~ **14 months** of initiation, in accordance with the findings made pursuant to Article 8 for undertakings or the findings made pursuant to Article 9 for definitive action. ~~In exceptional cases, having regard to the complexity of the investigation, the Commission may decide, no later than 9 months after the initiation of the investigation, to extend this time limit, for a period up to, but in no case longer than, 18 months.~~"

[AM 304]

- 3a. In Article 6, the following paragraph is added:

*"9a. No later than 32 weeks after the initiation of the investigation the Commission shall consult the Member States on the basis of the findings of the investigation. The Member States shall in this consultation indicate to the Commission whether they expect an intense controversy in the decision making process pursuant to Article 9 of this Regulation for definitive action which would be likely to trigger the appeal procedure referred to in Article 6 of Regulation (EU) No 182/2011. If so the Commission may decide, no later than eight months after the initiation of the investigation, to extend the time limit of Article 6(9) of this Regulation, for a period up to, but in no case longer than, 15 months. The Commission shall make this decision public."*

[AM 305]



Wednesday 14 March 2012

## 4. Article 7 is amended as follows:

## (a) Paragraph 1 is replaced by the following:

"1. Provisional duties may be imposed if proceedings have been initiated in accordance with Article 5, if a notice has been given to that effect and interested parties have been given an adequate opportunity to submit information and make comments in accordance with Article 5(10), if a provisional affirmative determination has been made of dumping and consequent injury to the Union industry, and if the Union interest calls for intervention to prevent such injury. The provisional duties shall be imposed no earlier than 60 days and no later than ~~9 months~~ **eight months** from the initiation of the proceedings. ~~In exceptional cases, having regard to the complexity of the investigation,~~ **In the event that the Member States indicate to the Commission pursuant to Article 6(10) that they expect an intense controversy in the decision making process pursuant to Article 9 of this Regulation for definitive action which would be likely to trigger the appeal procedure referred to in Article 6 of Regulation (EU) No 182/2011** the Commission may decide, no later than eight months after the initiation of the investigation, to extend this time limit, to a period up to, but in no case longer than, ~~12 months~~ **nine months.**"

[AM 306]

## (b) Paragraph 4 is replaced by the following:

"4. The Commission shall take provisional measures in accordance with the procedure referred to in Article 15(3)."

## (c) Paragraph 6 is deleted.

## 5. Article 8 is amended as follows:

## (a) Paragraph 1 is replaced by the following:

"1. Upon condition that a provisional affirmative determination of dumping and injury has been made, the Commission may accept satisfactory voluntary undertaking offers submitted by any exporter to revise its prices or to cease exports at dumped prices, if it is satisfied that the injurious effect of the dumping is thereby eliminated. In such a case and as long as such undertakings are in force, provisional duties imposed by the Commission in accordance with Article 7(1) or definitive duties imposed in accordance with Article 9(4) as the case may be shall not apply to the relevant imports of the product concerned manufactured by the companies referred to in the Commission decision accepting undertakings, as subsequently amended. Price increases under such undertakings shall not be higher than necessary to eliminate the margin of dumping and they should be less than the margin of dumping if such increases would be adequate to remove the injury to the Union industry."

## (b) Paragraph 5 is replaced by the following:

"5. Where undertakings are accepted, the investigation shall be terminated. The Commission shall terminate the investigation in accordance with the **examination** procedure referred to in Article 15(2). **The chair may obtain the committee's opinion by the written procedure referred to in Article 15(4).**"

[AM 307]

## (c) In paragraph 9, the first subparagraph is replaced by the following:

"9. In case of breach or withdrawal of undertakings by any party to the undertaking, or in case of withdrawal of acceptance of the undertaking by the Commission, the acceptance of the undertaking shall be withdrawn by Commission Decision or Commission Regulation, as appropriate, and the provisional duty which has been imposed by the Commission in accordance with Article 7 or the definitive duty which has been imposed in accordance with Article 9(4) shall automatically apply, provided that the exporter concerned has, except where he himself has withdrawn the undertaking, been given an opportunity to comment."

**Wednesday 14 March 2012**

- (d) Paragraph 10 is replaced by the following:

"10. A provisional duty may be imposed in accordance with Article 7 on the basis of the best information available, where there is reason to believe that an undertaking is being breached, or in case of breach or withdrawal of an undertaking where the investigation which led to the undertaking has not been concluded."

6. Article 9 is amended as follows:

- (a) Paragraph 2 is replaced by the following:

"2. Where protective measures are unnecessary the investigation or proceeding shall be terminated. The Commission shall terminate the investigation in accordance with the **advisory** procedure referred to in ~~Article 15(2)~~ **Article 15(1a)**. **The chair may obtain the committee's opinion by the written procedure referred to in Article 15(4).**"

[AM 308]

- (b) Paragraph 4 is replaced by the following:

"4. Where the facts as finally established show that there is dumping and injury caused thereby, and the Union interest calls for intervention in accordance with Article 21, a definitive anti-dumping duty shall be imposed by the Commission acting in accordance with the examination procedure referred to in Article 15(2). Where provisional duties are in force, the Commission shall initiate this procedure no later than one month before the expiry of such duties. The amount of the anti-dumping duty shall not exceed the margin of dumping established but it should be less than the margin if such lesser duty would be adequate to remove the injury to the Union industry."

7. In Article 10(2), the first sentence is replaced by the following:

"2. Where a provisional duty has been applied and the facts as finally established show that there is dumping and injury, the Commission shall decide, irrespective of whether a definitive anti-dumping duty is to be imposed, what proportion of the provisional duty is to be definitively collected."

8. Article 11 is amended as follows:

- (a) In paragraph 4, the first sentence of the third subparagraph is replaced by the following:

"A review for a new exporter shall be initiated and carried out on an accelerated basis after Union producers have been given an opportunity to comment."

- (b) In paragraph 5, the first and second subparagraphs are replaced by the following:

"The relevant provisions of this Regulation with regard to procedures and the conduct of investigations, excluding those relating to time limits, shall apply to any review carried out pursuant to paragraphs 2, 3 and 4. Reviews carried out pursuant to paragraphs 2 and 3 shall be carried out expeditiously and shall normally be concluded within 12 months of the date of initiation of the review. In any event, reviews pursuant to paragraphs 2 and 3 shall be concluded within ~~15 months~~ **14 months** of initiation. ~~In exceptional cases, having regard to the complexity of the investigation, No later than 32 weeks after the initiation of the investigation pursuant to Article 6 the Commission shall consult the Member States on the basis of the findings of the investigation. The Member States shall in this consultation indicate to the Commission whether they expect an intense controversy in the decision making process pursuant to Article 9 of this Regulation for definitive action which would be likely to trigger the appeal procedure referred to in Article 6 of Regulation (EU) No 182/2011. If so the Commission may decide, no later than 9 months~~ **eight months** after the initiation of the investigation, to extend ~~this the~~ time limit, for a period up to, but in no case longer than, ~~18 months~~ **15 months**. **The Commission shall make this decision public.** Reviews pursuant to paragraph 4 shall in all cases be concluded within nine months of the date of initiation. If a review carried out pursuant to paragraph 2 is initiated while a review under paragraph 3 is ongoing in the same proceeding, the review pursuant to paragraph 3 shall be concluded at the same time as the review pursuant to paragraph 2."

[AM 309]

Wednesday 14 March 2012

- (c) Paragraph 6 is replaced by the following:

"6. Reviews pursuant to this Article shall be initiated by the Commission. **Before the initiation of proceedings the Commission shall inform the Member States thereof and give them the opportunity to express their views.** Where warranted by reviews, measures shall be repealed or maintained pursuant to paragraph 2, or repealed, maintained or amended pursuant to paragraphs 3 and 4. Where measures are repealed for individual exporters, but not for the country as a whole, such exporters shall remain subject to the proceeding and may, automatically, be reinvestigated in any subsequent review carried out for that country pursuant to this Article."

[AM 310]

- (d) In paragraph 8, the first sentence of the fourth subparagraph is replaced by the following:

"The Commission shall decide whether and to what extent the application should be granted, or it may decide at any time to initiate an interim review, whereupon the information and findings from such review carried out in accordance with the provisions applicable for such reviews, shall be used to determine whether and to what extent a refund is justified."

9. Article 12 is amended as follows:

- (a) In paragraph 1, the first subparagraph is replaced by the following:

"Where the Union industry or any other interested party submit, normally within two years from the entry into force of the measures, sufficient information showing that, after the original investigation period and prior to or following the imposition of measures, export prices have decreased or that there has been no movement, or insufficient movement in the resale prices or subsequent selling prices of the imported product in the Union, the investigation may be reopened to examine whether the measure has had effects on the abovementioned prices."

- (b) Paragraph 3 is replaced by the following:

"3. Where a reinvestigation pursuant to this Article shows increased dumping, the measures in force may be amended by the Commission acting in accordance with the examination procedure referred to in Article 15(2), in accordance with the new findings on export prices. The amount of the anti-dumping duty imposed pursuant to this Article shall not exceed twice the amount of the duty imposed initially."

- (c) In paragraph 4, the first and second subparagraphs are replaced by the following:

"The relevant provisions of Articles 5 and 6 shall apply to any reinvestigation carried out pursuant to this Article, except that such reinvestigation shall be carried out expeditiously and shall normally be concluded within ~~nine~~ **six months** of the date of initiation of the reinvestigation. In any event, such reinvestigations shall in all cases be concluded within ~~one year~~ **10 months** of initiation of the reinvestigation."

[AM 311]

10. Article 13 is amended as follows:

- (a) Paragraph 3 is replaced by the following:

"3. Investigations shall be initiated pursuant to this Article on the initiative of the Commission or at the request of a Member State or any interested party on the basis of sufficient evidence regarding the factors set out in paragraph 1. Initiations shall be made by Commission Regulation which may also instruct the customs authorities to make imports subject to registration in accordance with Article 14(5) or to request guarantees. Investigations shall be carried out by the Commission, which may be assisted by customs authorities and shall be concluded within nine months. When the facts as finally ascertained justify the extension of measures, this shall be done by the Commission acting in accordance with the examination procedure referred to in Article 15(2). The extension shall take effect from the date on which registration was imposed pursuant to Article 14(5) or on which guarantees were requested. The relevant procedural provisions of this Regulation with regard to the initiation and the conduct of investigations shall apply pursuant to this Article."

**Wednesday 14 March 2012**

- (b) In paragraph 4, the second subparagraph is replaced by the following:

"These exemptions shall be granted by decision of the Commission and shall remain valid for the period and under the conditions set down therein."

11. Article 14 is amended as follows:

- (a) Paragraph 4 is replaced by the following:

"4. In the Union interest, measures imposed pursuant to this Regulation may be suspended by a decision of the Commission for a period of nine months. The suspension may be extended for a further period, not exceeding one year, by the Commission acting in accordance with the **advisory** procedure referred to in ~~Article 15(2)~~ **Article 15(1a)**. Measures may only be suspended where market conditions have temporarily changed to an extent that injury would be unlikely to resume as a result of the suspension, and provided that the Union industry has been given an opportunity to comment and these comments have been taken into account. Measures may, at any time be reinstated if the reason for suspension is no longer applicable."

[AM 312]

- (b) In paragraph 5, the first sentence is replaced by the following

"5. The Commission may direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports from the date of such registration."

12. Article 15 is replaced by the following:

"Article 15

Committee procedure

1. The Commission shall be assisted by the Anti-Dumping Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

**1a. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. The advisory committee shall deliver its opinion within one month of the date of referral. Amendments shall be suggested at the latest three days before the meeting of the committee. [AM 313]**

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No ~~182/2011~~ **182/2011** shall apply. **The examination committee shall deliver its opinion within one month of the date of referral. Amendments shall be suggested at the latest three days before the meeting of the committee. [AM 314]**

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No ~~182/2011~~ **182/2011** shall apply in conjunction with ~~Article 5~~ **Article 4** thereof. [AM 315]

4. Pursuant to Article 3(5) of Regulation (EU) No 182/2011 where recourse is made to written procedure, such procedure shall be terminated without result where, within the time limit set down by the chair, the chair so decides or a majority of committee members as defined in Article 5(1) of Regulation (EU) No 182/2011 so request.

**4a. In the event that a draft implementing act is submitted to the appeal committee pursuant to Article 6 of Regulation (EU) No 182/2011, it shall deliver its opinion within one month of the date of referral. Amendments shall be suggested at the latest three days before the meeting of the committee. [AM 316]**

**4b. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request."**

[AM 317]

Wednesday 14 March 2012

13. In Article 19, paragraph 5 is replaced by the following:

"5. The Commission and Member States, or the officials of any of these, shall not reveal any information received pursuant to this Regulation for which confidential treatment has been requested by its supplier, without specific permission from the supplier. Exchanges of information between the Commission and Member States, or any internal documents prepared by the authorities of the Union or its Member States, shall not be divulged except as specifically provided for in this Regulation."

14. Article 20 is amended as follows:

- (a) Paragraph 4 is replaced by the following:

"4. Final disclosure shall be given in writing. It shall be made, due regard being had to the protection of confidential information, as soon as possible and, normally, no later than one month prior to the initiation of the procedures set out in Article 9. Where the Commission is not in a position to disclose certain facts or considerations at that time, these shall be disclosed as soon as possible thereafter. Disclosure shall not prejudice any subsequent decision which may be taken by the Commission but where such a decision is based on any different facts and considerations, these shall be disclosed as soon as possible."

- (b) Paragraph 5 is replaced by the following:

"5. Representations made after final disclosure is given shall be taken into consideration only if received within a period to be set by the Commission in each case, which shall be at least 10 days, due consideration being given to the urgency of the matter. A shorter period can be set whenever a final disclosure has already been made."

15. Article 21 is amended as follows:

- (a) Paragraph 4 is replaced by the following:

"4. The parties which have acted in conformity with paragraph 2 may provide comments on the application of any provisional duties. Such comments shall be received within 15 days of the application of such measures if they are to be taken into account and they, or appropriate summaries thereof, shall be made available to other parties who shall be entitled to respond to such comments".

- (b) Paragraph 5 is replaced by the following:

"5. The Commission shall examine the information which is properly submitted and the extent to which it is representative, and the results of such analysis, together with an opinion on its merits, shall be transmitted to the Committee."

- (c) In paragraph 6, the second sentence is replaced by the following:

"Such information shall be made available to the extent possible and without prejudice to any subsequent decision taken by the Commission."

- 15a. The following article is inserted:**

**"Article 22a**

**Report**

**1. The Commission shall, with due regard to the protection of confidential information within the meaning of Article 19, present an annual report on the application and implementation of this Regulation to the European Parliament. The report shall include information about the application of provisional and definitive measures, the termination of investigations without measures, reinvestigations, reviews and verification visits, and the activities of the various bodies responsible for monitoring the implementation of this Regulation and fulfilment of the obligations arising therefrom.**

Wednesday 14 March 2012

2. *The European Parliament may, within one month from the Commission presenting the report, invite the Commission to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation.*

3. *No later than six months after presenting the report to the European Parliament, the Commission shall make the report public."*

[AM 318]

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### **International Cocoa Agreement 2010 \*\*\***

P7\_TA(2012)0081

**European Parliament legislative resolution of 14 March 2012 on the draft Council decision on the conclusion of the International Cocoa Agreement 2010 (09771/2011 – C7-0206/2011 – 2010/0343(NLE))**

(2013/C 251 E/32)

(Consent)

*The European Parliament,*

— having regard to the draft Council decision (09771/2011),

— having regard to the draft International Cocoa Agreement 2010 (08134/2011),

— having regard to the request for consent submitted by the Council in accordance with Article 207(3) and (4) and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C7-0206/2011),

— having regard to Rules 81 and 90(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on International Trade (A7-0024/2012),

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.

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<u>Notice No</u>	Contents (continued)	Page
2013/C 251 E/18	6th World Water Forum European Parliament resolution of 15 March 2012 on the 6th World Water Forum taking place in Marseille on 12-17 March 2012 (2012/2552(RSP)) .....	102
2013/C 251 E/19	Human trafficking in Sinai, in particular the case of Solomon W. European Parliament resolution of 15 March 2012 on human trafficking in Sinai, in particular the case of Solomon W. (2012/2569(RSP)) .....	106
2013/C 251 E/20	Palestine: raids by Israeli forces on palestinian TV stations European Parliament resolution of 15 March 2012 on Palestine: raids by Israeli forces on Palestinian TV stations (2012/2570(RSP)) .....	109
2013/C 251 E/21	Human rights violations in Bahrain European Parliament resolution of 15 March 2012 on human rights violations in Bahrain (2012/2571(RSP)) ...	111
2013/C 251 E/22	Science Capacity Building in Africa: promoting European-African radio astronomy partnerships Declaration of the European Parliament of 15 March 2012 on Science Capacity Building in Africa: promoting European-African radio astronomy partnerships .....	115
2013/C 251 E/23	Establishment of a maximum 8-hour journey limit for animals transported in the European Union for the purpose of being slaughtered Declaration of the European Parliament of 15 March 2012 on the establishment of a maximum 8-hour journey limit for animals transported in the European Union for the purpose of being slaughtered .....	116
2013/C 251 E/24	Introduction of the programme 'Chess in School' in the educational systems of the European Union Declaration of the European Parliament of 15 March 2012 on the introduction of the programme 'Chess in School' in the educational systems of the European Union .....	116

---

## II *Information*

### INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

#### **European Parliament**

#### **Tuesday 13 March 2012**

2013/C 251 E/25	Request for waiver of immunity of Krisztina Morvai European Parliament decision of 13 March 2012 on the request for waiver of the immunity of Krisztina Morvai (2010/2285(IMM)) .....	118
-----------------	--	-----





**Wednesday 14 March 2012**

2013/C 251 E/26	Mandate of the special committee on organised crime, corruption and money laundering, its powers, numerical composition and term of office European Parliament decision of 14 March 2012 on setting up a special committee on organised crime, corruption and money laundering, its powers, numerical composition and term of office .....	120
-----------------	---	-----

III *Preparatory acts*

## EUROPEAN PARLIAMENT

**Tuesday 13 March 2012**

2013/C 251 E/27	Agreement between the EU, Iceland and Norway on the application of certain provisions of the Convention on Mutual Assistance in Criminal Matters *** European Parliament legislative resolution of 13 March 2012 on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union and the 2001 Protocol thereto (05306/2010 – C7-0030/2010 – 2009/0189(NLE)) .....	122
-----------------	---	-----

2013/C 251 E/28	Jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession ***I European Parliament legislative resolution of 13 March 2012 on the proposal for a regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession (COM(2009)0154 – C7-0236/2009 – 2009/0157(COD)) .....	123
-----------------	---	-----

## P7\_TC1-COD(2009)0157

Position of the European Parliament adopted at first reading on 13 March 2012 with a view to the adoption of Regulation (EU) No .../2012 of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession .....	123
---	-----

**Wednesday 14 March 2012**

2013/C 251 E/29	European Fisheries Fund ***I European Parliament legislative resolution of 14 March 2012 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1198/2006 on the European Fisheries Fund, as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability (COM(2011)0484 – C7-0219/2011 – 2011/0212(COD)) .....	124
-----------------	--	-----

## P7\_TC1-COD(2011)0212

Position of the European Parliament adopted at first reading on 14 March 2012 with a view to the adoption of Regulation (EU) No .../2012 of the European Parliament and of the Council amending Council Regulation (EC) No 1198/2006 on the European Fisheries Fund, as regards certain provisions relating to financial management for certain Members States experiencing or threatened with serious difficulties with respect to their financial stability	124
---	-----



<u>Notice No</u>	Contents (continued)	Page
2013/C 251 E/30	<p>Autonomous tariff quota for imports of high-quality beef ***I</p> <p>European Parliament legislative resolution of 14 March 2012 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 617/2009 opening an autonomous tariff quota for imports of high-quality beef (COM(2011)0384 – C7-0170/2011 – 2011/0169(COD)) ..... 125</p> <p>P7_TC1-COD(2011)0169</p> <p>Position of the European Parliament adopted at first reading on 14 March 2012 with a view to the adoption of Regulation (EU) No .../2012 of the European Parliament and of the Council amending Council Regulation (EC) No 617/2009 opening an autonomous tariff quota for imports of high-quality beef ..... 125</p>	
2013/C 251 E/31	<p>Common commercial policy ***I</p> <p>European Parliament legislative resolution of 14 March 2012 on the proposal for a regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures (COM(2011)0082 – C7-0069/2011 – 2011/0039(COD)) 126</p> <p>P7_TC1-COD(2011)0039</p> <p>Position of the European Parliament adopted at first reading on 14 March 2012 with a view to the adoption of Regulation (EU) No .../2012 of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures ..... 126</p> <p>ANNEX ..... 131</p>	
2013/C 251 E/32	<p>International Cocoa Agreement 2010 ***</p> <p>European Parliament legislative resolution of 14 March 2012 on the draft Council decision on the conclusion of the International Cocoa Agreement 2010 (09771/2011 – C7-0206/2011 – 2010/0343(NLE)) ..... 212</p>	



*Key to symbols used*

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

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

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

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

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