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RESOLUTIONS

EUROPEAN PARLIAMENT

Alleged transportation and illegal detention of prisoners in European countries by the CIA

P7_TA(2012)0309

European Parliament resolution of 11 September 2012 on alleged transportation and illegal detention of prisoners in European countries by the CIA: follow-up of the European Parliament TDIP Committee report (2012/2033(INI))

(2013/C 353 E/01)

The European Parliament,

— having regard to the Treaty on European Union (TEU), in particular Articles 2, 3, 4, 6, 7 and 21 thereof,

— having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 1, 2, 3, 4, 18 and 19 thereof,

— having regard to the European Convention on Human Rights and the protocols thereto,

— having regard to the relevant UN human rights instruments, in particular the International Covenant on Civil and Political Rights of 16 December 1966, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 and the relevant protocols thereto, and the International Convention for the Protection of All Persons from Enforced Disappearance of 20 December 2006,

— having regard to Article 5 of the North Atlantic Treaty of 1949,

— having regard to 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 [1],

— having regard to the 'Stockholm Programme – An Open and Secure Europe Serving and Protecting Citizens' [2] and to the Commission communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 20 April 2010 on 'Delivering an area of freedom, security and justice for Europe's citizens: Action Plan Implementing the Stockholm Programme' (COM(2010)0171),

[1] OJ L 200, 30.7.2005, p. 1.
[2] OJ C 115, 4.5.2010, p. 1.

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— having regard to the Guidelines to EU Policy Towards Third countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the EU Guidelines on the Death Penalty,

— having regard to the Declaration of Brussels of 1 October 2010, adopted at the 6th Conference of the Parliamentary Committees for the Oversight of Intelligence and Security Services of the European Union Member States,

— having regard to the UN Joint study on global practices in relation to secret detention in the context of countering terrorism, prepared by: the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak; the Working Group on Arbitrary Detention, represented by its Vice-Chair, Shaheen Sardar Ali; and the Working Group on Enforced and Involuntary Disappearances, represented by its Chair, Jeremy Sarkin ([1]),

— having regard to the UN Human Rights Council Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, focusing on commissions of inquiry in response to patterns or practices of torture or other forms of ill-treatment ([2]),

— having regard to the Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, entitled 'Compilation of good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies while countering terrorism, including on their oversight' ([3]),

— having regard to the contributions from the Council of Europe, in particular the work of the former Commissioner for Human Rights, Thomas Hammarberg, and of the European Committee for the Prevention of Torture (CPT), as well as to the relevant resolutions of the Parliamentary Assembly of the Council of Europe, in particular those entitled 'Alleged secret detentions and unlawful inter-state transfers of detainees involving Council of Europe member states' ([4]), and 'Secret detentions and illegal transfers of detainees involving Council of Europe member states: second report' ([5]), and to the report of the Parliamentary Assembly's Committee on Legal Affairs and Human Rights entitled 'Abuse of state secrecy and national security: obstacles to parliamentary and judicial scrutiny of human rights violations' ([6]),

— having regard to the European Court of Human Rights cases al-Nashiri v. Poland, Abu Zubaydah v. Lithuania, Abu Zubaydah v. Poland and el-Masri v. 'the former Yugoslav Republic of Macedonia', which was heard by the Grand Chamber on 16 May 2012,

— having regard to its resolution of 25 November 2009 on the Commission communication to Parliament and the Council entitled 'An area of freedom, security and justice serving the citizen – Stockholm programme' ([7]),

— having regard to its resolutions of 14 February 2007 ([8]) and 19 February 2009 ([9]) on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners,

([1]) A/HRC/13/42, 19.2.2010.
([2]) A/HRC/19/61, 18.1.2012.
([3]) A/HRC/14/46, 17.5.2010.
([4]) Resolution 1507 (2006).
([5]) Resolution 1562 (2007).
([6]) Doc. 12714, 16.9.2011.
([7]) OJ C 285 E, 21.10.2010, p. 12.
([8]) OJ C 287 E, 29.11.2007, p. 309.
([9]) OJ C 76 E, 25.3.2010, p. 51.

— having regard to its resolutions on Guantánamo, in particular those of 9 June 2011 on 'Guantánamo: imminent death penalty decision' ([1]), of 4 February 2009 on the return and resettlement of the Guantánamo detention facility inmates ([2]) and of 13 June 2006 on the situation of prisoners at Guantánamo ([3]), and to its recommendation to the Council of 10 March 2004 on the Guantánamo detainees' right to a fair trial ([4]),

— having regard to its resolution of 15 December 2010 on 'the situation of fundamental rights in the European Union (2009) – effective implementation after the entry into force of the Treaty of Lisbon' ([5]),

— having regard to its resolution of 14 December 2011 on 'the EU counter-terrorism policy: main achievement and future challenges' ([6]),

— having regard to the speech given by Jacques Barrot, Vice-President of the Commission, in Strasbourg on 17 September 2008 ([7]),

— having regard to the statements made by the Commission on the need for the Member States concerned to conduct investigations into allegations of involvement in the CIA rendition and secret detention programme, and to the documents communicated to the rapporteur by the Commission, including four letters sent to Poland, four to Romania and two to Lithuania between 2007 and 2010,

— having regard to the Commission communication to the Council and Parliament of 15 October 2003 on 'Article 7 of the Treaty on European Union: Respect for and promotion of values on which the Union is based' (COM(2003)0606),

— having regard to the letter of 29 November 2005 from the EU Presidency to US Secretary of State Condoleezza Rice, requesting any 'clarification the US can give about these reports [on the alleged detention or transportation of terrorists suspects in or through some EU Member States] in the hope that this will allay parliamentary and public concerns',

— having regard to the 2748th/2749th meeting of the General Affairs and External Relations Council of 15 September 2006, which debated the item 'Fight against terrorism – Secret detention facilities',

— having regard to the EU statement made on 7 March 2011 at the 16th session of the Human Rights Council regarding the aforementioned UN joint study on secret detention,

— having regard to the article entitled 'Counter-terrorism and human rights' by Villy Sovndal, Gilles de Kerchove and Ben Emmerson, published in the 19 March 2012 issue of *European Voice*,

— having regard to US Secretary of State Condoleezza Rice's reply of 5 December 2005 to the EU Presidency's letter of 29 November 2005, stating that '[…] rendition is a vital tool in combating terrorism. Its use is not unique to the United States, or to the current administration', denying allegations of direct US involvement in torture and emphasising that the 'purpose' of rendition was not that the person rendered be tortured, and to US Secretary of State Condoleezza Rice's statements confirming that 'we [the United States] are respecting the sovereignty of our partners' ([8]),

([1]) Texts adopted, P7_TA(2011)0271.
([2]) OJ C 67 E, 18.3.2010, p. 91.
([3]) OJ C 300 E, 9.12.2006. p. 136.
([4]) OJ C 102 E, 28.4.2004, p. 640.
([5]) OJ C 169 E, 15.6.2012, p. 49.
([6]) Texts adopted, P7_TA(2011)0577.
([7]) SPEECH/08/716, 'Une politique visant à assurer l'effectivité des droits fondamentaux sur le terrain'.
([8]) 'Remarks en route to Germany', Press Q&A with Condoleezza Rice, Berlin, 5 December 2005, and 'Press Availability at the Meeting of the North Atlantic Council', Brussels, 8 December 2005.

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— having regard to former US President George W. Bush's acknowledgement, in his speech from the East Room of the White House of 6 September 2006, of the existence of a CIA-led programme of rendition and secret detention, including overseas operations,

— having regard to George W. Bush's memoirs, which were published on 9 November 2010,

— having regard to the unclassified version, released in August 2009, of CIA Inspector General John Helgerson's 2004 report on the CIA's Bush-era interrogation operations,

— having regard to the 2007 report of the International Committee of the Red Cross on the treatment of 14 high-value detainees in CIA custody, which became publicly accessible in 2009,

— having regard to the various initiatives at national level to account for Member States' involvement in the CIA rendition and secret detention programme, including the ongoing inquiry in Denmark and past inquiries in Sweden, the ongoing criminal investigations in Poland and the United Kingdom, past criminal proceedings in Italy, Germany, Lithuania, Portugal and Spain, the all-party group parliamentary investigation in the United Kingdom and past parliamentary investigations in Germany, Lithuania, Poland and Romania,

— having regard to the two-year Portuguese judicial inquiry, which was suddenly closed in 2009,

— having regard to the conclusions of the national inquiries already conducted in some Member States,

— having regard to the numerous media reports and acts of investigative journalism, in particular – but not limited to – the 2005 ([1]) and 2009 ([2]) ABC News reports and the 2005 ([3]) *Washington Post* reports, without which the acts of rendition and detention would have remained truly secret,

— having regard to the research and investigations carried out, and the reports produced, by independent researchers, civil society organisations and national and international non-governmental organisations since 2005, most notably by Human Rights Watch ([4]), Amnesty International and Reprieve,

— having regard to the hearings of its Committee on Civil Liberties, Justice and Home Affairs (LIBE) held on 27 March 2012 and of its Subcommittee on Human Rights held on 12 April 2012, the LIBE delegation's visit to Lithuania of 25-27 April 2012, the rapporteur's visit to Poland of 16 May 2012 and all the written and oral contributions received by the rapporteur,

— having regard to the joint request for flight data submitted to the Director of Eurocontrol by the Chair of the Committee on Civil Liberties, Justice and Home Affairs and the rapporteur on 16 April 2012 and to the comprehensive response received from Eurocontrol on 26 April 2012,

— having regard to the DG IPOL note entitled 'The results of the inquiries into the CIA's programme of extraordinary rendition and secret prisons in European states in light of the new legal framework following the Lisbon Treaty',

([1]) 'Sources Tell ABC News Top Al Qaeda Figures Held in Secret CIA Prisons', ABC News, 5.12.2005.
([2]) 'Lithuania Hosted Secret CIA Prison to Get "Our Ear" ', ABC News, 20.8.2009.
([3]) 'CIA Holds Terror Suspects in Secret Prisons', 2.11.2005, and 'Europeans Probe Secret CIA Flights', *Washington Post*, 17.11.2005.
([4]) Among others: Human Rights Watch Statement on U.S. Secret Detention Facilities in Europe, 6.11.2005; Amnesty International Europe report entitled 'Open secret: Mounting evidence of Europe's complicity in rendition and secret detention', 15.11.2010; Reprieve report entitled 'Rendition on Record: Using the Right of Access to Information to Unveil the Paths of Illegal Prisoner Transfer Flights', 15.12.2011.

— having regard to Rules 48 and 50 of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Foreign Affairs (A7-0266/2012),

A. whereas Parliament has condemned the US-led CIA rendition and secret detention programme involving multiple human rights violations, including unlawful and arbitrary detention, torture and other ill-treatment, violations of the non-refoulement principle, and enforced disappearance; whereas its Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners (hereinafter the 'Temporary Committee') has documented the use of European airspace and territory by the CIA, and whereas Parliament has since repeated its demand for full investigations into the collaboration of national governments and agencies with the CIA programme;

B. whereas Parliament has repeatedly called for the fight against terrorism fully to respect human dignity, human rights and fundamental freedoms, including in the context of international cooperation in the field, on the basis of the European Convention of Human Rights, the EU Charter of Fundamental Rights and national constitutions and fundamental rights legislation, and whereas it reiterated this call most recently in its report on EU counter-terrorism policy, in which it also stated that respect for human rights is a precondition for ensuring the policy's effectiveness;

C. whereas Parliament has repeatedly and strongly condemned illegal practices including 'extraordinary rendition', abduction, detention without trial, disappearance, secret prisons and torture, and has demanded full investigations into the alleged degree of involvement of some Member States in collaboration with US authorities, notably the CIA, including involvement on EU territory;

D. whereas the purpose of this resolution is to 'follow up politically the proceedings of the Temporary Committee and to monitor the developments, and in particular, in the event that no appropriate action has been taken by the Council and/or the Commission, to determine whether there is a clear risk of a serious breach of the principles and values on which the European Union is based, and to recommend to it any resolution, taking as a basis Articles 6 and 7 of the Treaty on European Union, which may prove necessary in this context' ([1]);

E. whereas the EU is founded on a commitment to democracy, the rule of law, human rights and fundamental freedoms, respect for human dignity and international law, not only in its internal policies, but also in its external dimension; whereas the EU's commitment to human rights, reinforced by the entry into force of the EU Charter of Fundamental Rights and the process of accession to the European Convention on Human Rights, must be reflected in all policy areas in order to make EU human rights policy effective and credible;

F. whereas a proper accountability process is essential in order to preserve citizens' trust in the democratic institutions of the EU, to protect and promote human rights effectively in the EU's internal and external policies, and to ensure legitimate and effective security policies based on the rule of law;

G. whereas no Member State has so far wholly fulfilled its obligations to protect, preserve and respect international human rights and prevent violations thereof;

([1]) Paragraph 232 of Parliament's aforementioned resolution of 14 February 2007.

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H. whereas the instruments governing the EU's Common Foreign and Security Policy (CFSP) include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR) and the two Optional Protocols thereto, the Convention Against Torture (CAT) and the Optional Protocol thereto, the European Convention on Human Rights, the EU Charter of Fundamental Rights and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which together not only mandate an absolute ban on torture but also entail a positive obligation to investigate allegations of torture and provide remedies and reparation; whereas the guidelines to EU policy on torture provide the framework for the EU's efforts 'to prevent and eradicate torture and ill-treatment in all parts of the world';

I. whereas, in order to ensure the promotion of international law and respect for human rights, all association, trade and cooperation agreements contain human rights clauses, and whereas the EU also engages in political dialogues with third countries on the basis of human rights guidelines, which include combating the death penalty and torture; whereas, in the framework of the European Instrument for Democracy and Human Rights (EIDHR), the EU supports civil society organisations that fight torture and provide support for the rehabilitation of victims of torture;

J. whereas secret detention, which is a form of enforced disappearance, may amount, if widely or systematically practised, to a crime against humanity; whereas states of emergency and the fight against terrorism constitute an enabling environment for secret detention;

K. whereas, although the EU has demonstrated its commitment to avoiding collusion in torture through Council Regulation (EC) No 1236/2005 ([1]), most recently amended in December 2011 ([2]), which prohibits any export or import of goods that have no practical use other than for the purpose of capital punishment, torture and other cruel, inhuman or degrading treatment or punishment, more work still needs to be done to ensure comprehensive coverage;

L. whereas relying on diplomatic assurances alone to authorise the extradition or deportation of a person to a country where there are substantial grounds for believing that individuals would be in danger of being subjected to torture or ill-treatment is incompatible with the absolute prohibition of torture in international law, EU law and the national constitutions and laws of the Member States ([3]);

M. whereas the Council admitted on 15 September 2006 that 'the existence of secret detention facilities where detained persons are kept in a legal vacuum is not in conformity with international humanitarian law and international criminal law', but has so far failed to recognise and condemn the involvement of Member States in the CIA programme, even though the use of European airspace and territory by the CIA has been acknowledged by the political and judicial authorities of Member States;

N. whereas there are enduring human rights violations due to the CIA programme, as evidenced in particular by the ongoing administrative detention in Guantánamo Bay of Abu Zubaydah and Abd al-Rahim al-Nashiri, who have been granted victim status in the Polish criminal investigation into CIA secret prisons;

O. whereas research by the UN, the Council of Europe, national and international media, investigative journalists and civil society has brought to light new, concrete information on the location of secret CIA detention sites in Europe, rendition flights through European airspace and the persons transported or detained;

([1]) OJ L 200, 30.7.2005, p. 1.
([2]) OJ L 338, 21.12.2011, p. 31.
([3]) Article 5 of the Universal Declaration of Human Rights, Article 7 of the International Covenant on Civil and Political Rights, Article 3 of the European Convention on Human Rights (ECHR) and the related case law, and Article 4 of the Charter of Fundamental Rights of the European Union.

P. whereas the commission of illegal acts on EU territory may have developed in the context of NATO multilateral or bilateral agreements;

Q. whereas national inquiries and international research prove that members of the North Atlantic Treaty Organisation (NATO) agreed to commit themselves to measures in the campaign against terrorism which enabled secret airline traffic and use of EU Member States' territory in the CIA-led programme of rendition, indicating collective knowledge of the programme by Member States which are also members of NATO;

R. whereas the UN Joint study on global practices in relation to secret detention in the context of countering terrorism (A/HRC/13/42), prepared by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances, detailed the use of secret detention sites on EU Member States' territory as part of the CIA programme, and whereas follow-up letters were sent to Member States requesting additional information as detailed in the communications reports of the Special Procedures, including that of 23 February 2012 ([1]);

S. whereas the 2011 Council of Europe report states that the data obtained from the Polish agencies in 2009 and 2010 'provide definite proof' that seven CIA-associated aircraft landed in Poland, and whereas Polish media reported that charges had been brought against former Polish intelligence chiefs, and revealed possible contacts between intelligence officers and the Polish Government concerning the use of a CIA detention facility on Polish territory; whereas in 2011 Romanian investigative journalists sought to demonstrate the existence of a 'black site' in the Romanian national registry office for classified information ([2]), on the basis of information provided by former CIA employees; whereas the existence of this 'black site' has been denied by the Romanian authorities and was not demonstrated by the inquiry conducted by the Romanian parliament; whereas former Libyan dissidents have started legal proceedings against the UK for the direct involvement of MI6 in their own and their family members' rendition, secret detention and torture;

T. whereas the Lithuanian authorities have endeavoured to shed light on Lithuania's involvement in the CIA programme by carrying out parliamentary and judicial inquiries; whereas the parliamentary investigation by the Seimas Committee on National Security and Defence concerning the alleged transportation and confinement of persons detained by the CIA on Lithuanian territory established that five CIA-related aircraft landed in Lithuania between 2003 and 2005 and that two tailored facilities suitable for holding detainees in Lithuania (Projects Nos 1 and 2) were prepared at the request of the CIA; whereas the LIBE delegation thanks the Lithuanian authorities for welcoming Members of the European Parliament to Vilnius in April 2012 and allowing the LIBE delegation access to Project No 2; whereas the layout of the buildings and installations inside appears to be compatible with the detention of prisoners; whereas many questions relating to CIA operations in Lithuania remain open despite the subsequent judicial investigation conducted in 2010 and closed in January 2011; whereas the Lithuanian authorities have expressed their readiness to re-launch investigations if other new information were to come to light, and whereas the Prosecutor's Office has offered to provide further information on the criminal investigation in response to a written request from Parliament;

U. whereas the Portuguese authorities have yet to provide clarification of the substantial number of elements indicating that many flights, identified inter alia by the Temporary Committee, served to carry out transfers between Bagram, Diego Garcia, secret prisons and Guantánamo;

([1]) A/HRC/19/44.
([2]) 'Inside Romania's secret CIA prison', *The Independent*, 9.12.2011.

V. whereas research and court findings on the logistics involved in covering up these illegal operations, including dummy flight plans, civil and military aircraft classified as state flights and the use of private aviation companies to conduct CIA renditions, have further revealed the systematic nature and the extent of European involvement in the CIA programme; whereas an analysis of the new data provided by Eurocontrol supports in particular the argument that, in order to conceal the origin and destination of transfers of prisoners, contractors operating renditions missions switched from one plane to another mid-route;

W. whereas the EU has developed internal security and counter-terrorism policies based on police and judicial cooperation and the promotion of intelligence-sharing; whereas these policies should be grounded in respect for fundamental rights and the rule of law and effective democratic parliamentary oversight of intelligence services;

X. whereas, according to the CPT, 'the interrogation techniques applied in the CIA-run overseas detention facilities have certainly led to violations of the prohibition of torture and inhuman and degrading treatment' ([1]);

Y. whereas EU-US relations are based on a strong partnership and cooperation in many fields, on the basis of common shared values of democracy, the rule of law and fundamental rights; whereas the EU and the US have strengthened their engagement in the fight against terrorism since the terrorist attacks of 11 September 2001, notably through the Joint Declaration on Counter-terrorism of 3 June 2010, but whereas it is necessary to ensure compliance in practice with declared commitments and to overcome divergences between EU and US policies in the fight against terrorism;

Z. whereas in December 2011 the US authorities passed the National Defence Authorisation Act (NDAA), which codifies in law the indefinite detention of persons suspected of engaging in terrorist actions within the US and undermines the right to due process and a fair trial; whereas the scope of the NDAA is the subject of a legal challenge;

AA. whereas, on 22 January 2009, President Obama signed three executive orders banning torture during interrogations, establishing an inter-agency task force to conduct a systematic review of detention policies and procedures and review all individual cases and ordering the closure of the Guantánamo Bay detention facility;

AB. whereas, however, the Guantánamo Bay detention facility has yet to be closed on account of strong opposition from the US Congress; whereas, in order to hasten its closure, the US has called on EU Member States to host Guantánamo detainees; whereas the UN High Commissioner for Human Rights has expressed deep disappointment at the failure to close the Guantánamo Bay detention facility and at the entrenchment of a system of arbitrary detention;

AC. whereas Guantánamo detainees are still subjected to trials by military tribunals, notably following the US President's decision of 7 March 2011 to sign the executive order lifting a two-year freeze on new military trials and the law of 7 January 2012 barring transfers of Guantánamo detainees to the US for trial;

General

1. Recalls that counter-terrorism strategies can be effective only if they are conducted in strict compliance with human rights obligations, in particular the right to due process;

([1]) Report of the CPT of 19 May 2011 on its visit to Lithuania from 14 to 18 June 2010.

2. Reiterates that effective counter-terrorism measures and respect for human rights are not contradictory, but are complementary and mutually reinforcing aims; points out that respect for fundamental rights is an essential element in successful counter-terrorism policies;

3. Highlights the extremely sensitive nature of anti-terrorism policies; believes that only genuine grounds of national security can justify secrecy; recalls, however, that in no circumstance does state secrecy take priority over inalienable fundamental rights and that therefore arguments based on state secrecy can never be employed to limit states' legal obligations to investigate serious human rights violations; considers that definitions of classified information and state secrecy should not be overly broad and that abuses of state secrecy and national security constitute a serious obstacle to democratic scrutiny;

4. Stresses that special procedures ought not to be applied to persons suspected of terrorism; points out that everyone must be able to benefit from all the guarantees included in the principle of a fair trial as laid down in Article 6 of the European Convention on Human Rights;

5. Reiterates its condemnation of the practices of extraordinary rendition, secret prisons and torture, which are prohibited under domestic and international legislation stipulating respect for human rights and which breach *inter alia* the rights to liberty, security, humane treatment, freedom from torture, non-refoulement, presumption of innocence, a fair trial, legal counsel and equal protection under the law;

6. Stresses the need to provide guarantees in order to avoid, in the future, any infringement of fundamental rights when anti-terrorism policies are implemented;

7. Considers that Member States have stated their willingness to abide by international law, but until now have not properly fulfilled the positive obligation incumbent upon all Member States to investigate serious human rights violations connected with the CIA programme, and regrets the delays in shedding full light on this case in order to afford full redress to victims as quickly as possible, including apologies and compensation where appropriate;

8. Believes that the difficulties encountered by Member States in conducting inquiries result in a failure to comply fully with their international obligations, which undermines mutual trust in fundamental rights protection and thus becomes the responsibility of the EU as a whole;

9. Reiterates that the commitment of Member States and of the EU to investigate European involvement in the CIA programme is in line with the principle of sincere and loyal cooperation enshrined in Article 4(3) of the TEU;

Accountability process in the Member States

10. Expresses concerns regarding the obstacles encountered by national parliamentary and judicial investigations into some Member States' involvement in the CIA programme, as documented in detail by the 2011 Council of Europe report on abuse of state secrecy and national security, including lack of transparency, classification of documents, prevalence of national and political interests, narrow remits for investigations, restriction of victims' right to effective participation and defence, and lack of rigorous investigative techniques and of cooperation between investigative authorities across the EU; calls on the Member States to avoid basing their national criminal proceedings on such legal grounds, which enable and lead to the termination of criminal proceedings by invoking clauses of the statute of limitations and lead to impunity, and to respect the principle of international customary law, which recognises that the statute of limitations cannot and should not be applied to cases of serious human rights violations;

11. Urges those Member States which have not fulfilled their positive obligation to conduct independent and effective inquiries to investigate human rights violations, taking into account all the new evidence that has come to light; calls in particular on Member States to investigate whether there are secret prisons on their territory or whether operations have taken place whereby people have been held under the CIA programme in facilities on their territory;

12. Notes that the parliamentary inquiry carried out in Romania concluded that no evidence could be found to demonstrate the existence of a secret CIA detention site on Romanian territory; calls on the judicial authorities to open an independent inquiry into alleged CIA secret detention sites in Romania, in particular in the light of the new evidence on flight connections between Romania and Lithuania;

13. Encourages Poland to persevere in its ongoing criminal investigation into secret detention, but deplores the lack of official communication on the scope, conduct and state of play of the investigation; calls on the Polish authorities to conduct a rigorous inquiry with due transparency, allowing for the effective participation of victims and their lawyers;

14. Notes that the parliamentary and judicial inquiries that took place in Lithuania between 2009 and 2011 were not able to demonstrate that detainees had been secretly held in Lithuania; calls on the Lithuanian authorities to honour their commitment to reopen the criminal investigation into Lithuania's involvement in the CIA programme if new information should come to light, in view of new evidence provided by the Eurocontrol data showing that plane N787WH, alleged to have transported Abu Zubaydah, did stop in Morocco on 18 February 2005 on its way to Romania and Lithuania; notes that analysis of the Eurocontrol data also reveals new information through flight plans connecting Romania to Lithuania, via a plane switch in Tirana, Albania, on 5 October 2005, and Lithuania to Afghanistan, via Cairo, Egypt, on 26 March 2006; considers it essential that the scope of new investigations cover, beyond abuses of power by state officials, possible unlawful detention and ill-treatment of persons on Lithuanian territory; encourages the Prosecutor-General's Office to substantiate with documentation the affirmations made during the LIBE delegation's visit that the 'categorical' conclusions of the judicial inquiry are that 'no detainees have been detained in the facilities of Projects No 1 and No 2 in Lithuania';

15. Notes the criminal investigation launched in the UK on renditions to Libya, and welcomes the decision to continue the wider inquiry into the UK's responsibility in the CIA programme once the investigation has been concluded; calls on the UK to conduct this inquiry with due transparency, allowing the effective participation of victims and civil society;

16. Acknowledges that Member States' investigations have to be based on solid judicial evidence and on respect for national judicial systems and EU law, not just on media and public speculation;

17. Calls on Member States such as Finland, Denmark, Portugal, Italy, the United Kingdom, Germany, Spain, Ireland, Greece, Cyprus, Romania and Poland, which were mentioned in the Temporary Committee's report, to disclose all necessary information on all suspect planes associated with the CIA and their territory; calls on all Member States to respect the right to freedom of information and to respond appropriately to requests for access to information; expresses concern, in the light of this, that most Member States, with the exception of Denmark, Finland, Germany, Ireland and Lithuania, have failed to respond appropriately to requests from Reprieve and from Access Info Europe for access to information for the purposes of their investigations into extraordinary rendition cases;

18. Urges the Member States to revise any provisions or interpretations that are sympathetic to torture, such as Michael Wood's legal opinion (referred to in Parliament's aforementioned resolution of 14 February 2007), which, in defiance of international case law, argues that it is legitimate to receive and use information obtained by torture as long as there is no direct responsibility for it (thereby motivating and justifying the outsourcing of torture);

19. Calls on all Member States to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance;

20. Calls on the Member States, in the light of the increased cooperation and exchange of information between their secret intelligence and security agencies, to ensure full democratic scrutiny of those agencies and their activities through appropriate internal, executive, judicial and independent parliamentary oversight, preferably through specialised parliamentary committees with extensive remits and powers, including the power to require information, and with sufficient investigative and research resources to be able to examine not only issues such as policy, administration and finances, but also the operational work of the agencies;

Response of the EU institutions

21. Regards it as essential that the EU condemn all abusive practices in the fight against terrorism, including any such acts committed on its territory, so that it can not only live up to its values but also advocate them credibly in its external partnerships;

22. Recalls that the Council has never formally apologised for having violated the principle enshrined in the Treaties of loyal cooperation between the Union institutions when it incorrectly attempted to persuade Parliament to provide deliberately shortened versions of the minutes of the meetings of COJUR (the Council Working Group on Public International Law) and COTRA (the Council Working Party on Transatlantic Relations) with senior North American officials; expects apologies from the Council;

23. Expects the Council finally to issue a declaration acknowledging Member States' involvement in the CIA programme and the difficulties encountered by Member States in the context of inquiries;

24. Calls on the Council to give its full support to the truth-finding and accountability processes in the Member States by formally addressing the issue at JHA meetings, sharing all information, providing assistance to inquiries and, in particular, acceding to requests for access to documents;

25. Calls on the Council to hold hearings with relevant EU security agencies, in particular Europol, Eurojust and the EU Counter-terrorism Coordinator, to clarify their knowledge of Member States' involvement in the CIA programme and the EU's response; also calls on the Council to propose safeguards so as to guarantee respect for human rights in intelligence-sharing, and a strict delimitation of roles between intelligence and law-enforcement activities so that intelligence agencies are not permitted to assume powers of arrest and detention, and to report to Parliament within a year;

26. Calls on the Council to encourage Member States to share best practice with regard to parliamentary and judicial supervision of intelligence services, involving national parliaments and the European Parliament in this effort;

27. Reiterates its call on the Council and Member States to exclude, as a basis for the extradition or deportation of persons deemed to threaten national security, reliance on unenforceable diplomatic assurances where there is a real risk of subjection to torture or ill-treatment or of a trial using evidence thus extracted;

28. Calls on the relevant authorities not to invoke state secrecy in relation to international intelligence cooperation in order to block accountability and redress, and insists that only genuine national security reasons can justify secrecy, which is in any case overridden by non-derogable fundamental rights obligations such as the absolute prohibition on torture;

29. Urges the relevant authorities to ensure that a strict distinction is made between the activities of intelligence and security services, on the one hand, and law enforcement agencies, on the other, so as to ensure that the general principle of *nemo iudex in sua causa* is upheld;

30. Stresses that the Temporary Committee which conducted the investigation underpinning Parliament's resolutions of 14 February 2007 and 19 February 2009 exposed the ways in which the procedures for authorisation and control of civilian aircraft overflying the Member States' airspace or landing in their territory were extremely flawed, thus not only lending themselves to being abused in the CIA's 'extraordinary renditions', but also to being easily evaded by operators of organised crime, including terrorist networks; also recalls the Union's competence in the field of transport security and safety and Parliament's recommendation to the Commission that it regulate and monitor the management of EU airspace, airports and non-commercial aviation; calls on the EU and its Member States, therefore, to delay no longer a thorough review of their implementation of the Convention on International Civil Aviation (the Chicago Convention) as regards authorisation and inspections of civilian aircraft overflying the Member States' airspace or landing in their territory, in order to make sure that security is enhanced and checks systematically exercised, requiring anticipated identification of passengers and crews and ensuring that any flights classified as 'state flights' (which are excluded from the scope of the Chicago Convention) are given prior and proper authorisation; also recalls Parliament's recommendation that the Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft be effectively enforced by Member States;

31. Notes the Commission's initiatives in response to Parliament's recommendations; considers it regrettable, however, that they have not been part of a wider agenda and strategy to ensure accountability for human rights violations committed in the context of the CIA programme and the necessary redress and compensation for victims;

32. Calls on the Commission to investigate whether EU provisions, in particular those on asylum and judicial cooperation, have been breached by collaboration with the CIA programme;

33. Calls on the Commission to facilitate and support human-rights-compliant mutual legal assistance and judicial cooperation between investigating authorities and cooperation between lawyers involved in accountability work in Member States, and in particular to ensure that important information is exchanged and to promote the effective use of all available EU instruments and resources;

34. Calls on the Commission to adopt within a year a framework, including reporting requirements for Member States, for monitoring and supporting national accountability processes, including guidelines on human-rights-compliant inquiries, to be based on the standards developed by the Council of Europe and the UN;

35. Calls on the Commission, in the light of the institutional deficiencies revealed in the context of the CIA programme, to adopt measures aimed at strengthening the EU's capacity to prevent and redress human rights violations at EU level and to provide for the strengthening of Parliament's role;

36. Calls on the Commission to consider proposing measures for permanent cooperation and exchange of information between the European Parliament and parliamentary committees for the oversight of intelligence and security services of the Member States in cases which indicate that joint actions by Member States' intelligence and security services have been undertaken on EU territory;

37. Calls on the Commission to put forward proposals for developing arrangements for democratic oversight of cross-border intelligence activities in the context of EU counter-terrorism policies; intends to make full use of its own parliamentary powers to scrutinise counter-terrorism policies, in line with the recommendations drawn up by Parliament's study department (PE453.207);

38. Calls on the European Ombudsman to investigate the failures of the Commission, the Council and the EU security agencies, notably Europol and Eurojust, to respect fundamental rights and the principles of good administration and loyal cooperation in their response to the TDIP recommendations;

39. Calls on the EU to ensure that its own international obligations are wholly honoured and that EU policies and foreign policy instruments, such as the guidelines on torture and the human rights dialogues, are implemented fully, so that it is in a stronger position to call for the rigorous implementation of human rights clauses in all the international agreements it signs and to urge its major allies, including the US, to comply with their own domestic and international law;

40. Reaffirms that the international fight against terrorism and bilateral or multilateral international cooperation in this area, including as part of NATO or between intelligence and security services, must be conducted only with full respect for human rights and fundamental freedoms and with appropriate democratic and judicial oversight; calls on the Member States, the Commission, the European External Action Service (EEAS) and the Council to ensure that these principles are applied in their foreign relations, and insists that they should make a thorough assessment of their counterparts' human rights records before entering into any new agreement, notably on intelligence cooperation and information-sharing, review existing agreements where those counterparts fail to respect human rights, and inform Parliament of the conclusions of such assessments and reviews;

41. Urges that foreign special services' interference in the affairs of sovereign EU Member States must not recur in the future and that the fight against terrorism must be conducted with full respect for human rights, fundamental freedoms, democracy and the rule of law;

42. Recalls that the Optional Protocol to the CAT requires the setting-up of monitoring systems covering all situations of deprivation of liberty, and stresses that adhering to this international instrument adds a layer of protection; strongly encourages EU partner countries to ratify the Optional Protocol, to create independent national preventive mechanisms that comply with the Paris Principles and to ratify the International Convention for the Protection of All Persons from Enforced Disappearance;

43. Reiterates its call, in accordance with international law, in particular Article 12 of the CAT, for all states faced with credible allegations to make every effort to provide the necessary clarification and, if the indications persist, to conduct thorough investigations and inquiries into all alleged acts of extraordinary rendition, secret prisons, torture and other serious human rights violations, so as to establish the truth and, if necessary, determine responsibility, ensure accountability and avoid impunity, including by bringing individuals to justice where there is evidence of criminal liability; calls on the VP/HR and the Member States, in this connection, to take all the necessary measures to ensure proper follow-up to the UN Joint study on global practices in relation to secret detention in the context of countering terrorism, in particular with regard to the follow-up letter sent to 59 states by the Special Procedures mandate-holders on 21 October 2011, asking their respective governments to provide an update on the implementation of the recommendations contained in that study;

44. Calls on the EU to ensure that its Member States, associates and partners (in particular those covered by the Cotonou Agreement) which have agreed to host former Guantánamo detainees actually afford them full support as regards living conditions, efforts to facilitate their integration into society, medical treatment including psychological recovery, access to identification and travel documents, the exercise of the right to family reunification and all other fundamental rights granted to people holding political asylum status;

45. Is particularly concerned by the procedure conducted by a US military commission in respect of Abd al-Rahim al-Nashiri, who could be sentenced to death if convicted; calls on the US authorities to rule out the possibility of imposing the death penalty on Mr al-Nashiri and reiterates its long-standing opposition to the death penalty in all cases and under all circumstances; notes that Mr al-Nashiri's case has been before the European Court of Human Rights since 6 May 2011; calls on the authorities of any country in which Mr al-Nashiri was held to use all available means to ensure that he is not subjected to the death penalty; urges the VP/HR to raise the case of Mr al-Nashiri with the US as a matter of priority, in application of the EU Guidelines on the Death Penalty;

46. Reiterates that full application of the human rights clause of agreements with third countries is fundamental in relations between the EU and its Member States and those countries, and considers that there is real momentum to revisit the way European governments have cooperated with dictatorships' apparatus of repression in the name of countering terrorism; considers, in this connection, that the newly revised European Neighbourhood Policy must provide strong support for security sector reform, which must, in particular, ensure a clear separation between intelligence and law enforcement functions; calls on the EEAS, the Council and the Commission to step up their cooperation with the CPT and other relevant Council of Europe mechanisms in the planning and implementation of counter-terrorism assistance projects with third countries and in all forms of counter-terrorism dialogue with third countries;

47. Calls on the Government of the former Yugoslav Republic of Macedonia (FYROM) to ascertain responsibility and ensure accountability for the abduction, apparently through mistaken identity, of Khaled el-Masri, which led to his illegal detention and alleged torture; deplores the lack of action by the Skopje Prosecutor's Office with a view to conducting a criminal investigation into Mr el-Masri's complaint; notes that the European Court of Human Rights has taken up this case and that the Grand Chamber held its first hearing on 16 May 2012; considers that the FYROM Government's alleged conduct in this case is inconsistent with the EU's founding principles of fundamental rights and the rule of law and must be duly raised by the Commission in connection with the FYROM's candidacy for EU accession;

48. Calls on NATO and the US authorities to conduct their own investigations, to cooperate closely with EU and Member State parliamentary or judicial inquiries on these issues [1], including, where relevant, by responding promptly to requests for mutual legal assistance, to disclose information on extraordinary rendition programmes and other practices that violate human rights and fundamental freedoms and to provide suspects' legal representatives with all the necessary information to defend their clients; calls for confirmation that all NATO agreements and NATO-EU and other transatlantic arrangements respect fundamental rights;

49. Pays tribute to US civil society initiatives to set up an independent bipartisan taskforce in 2010 to examine the US Government's policy and actions relating to the capture, detention and prosecution of 'suspected terrorists' and US custody during the Clinton, Bush and Obama administrations;

50. Calls on the US, given the cardinal role of the transatlantic partnership and of the United States' leadership in this area, to investigate fully, and secure accountability for, any abuses it has practised, to ensure that relevant domestic and international law is applied fully with a view to ending legal black holes, to end military trials, to apply criminal law fully to terrorist suspects and to restore review of detention, habeas corpus, due process, freedom from torture and non-discrimination between foreign and US citizens;

51. Calls on President Obama to honour the pledge he made in January 2009 to close the Guantánamo Bay detention facility, to allow any detainee who is not to be charged to return to his or her home country or to go to another safe country as quickly as possible, to try Guantánamo detainees against whom

[1] See inter alia Parliament's aforementioned resolution of 9 June 2011.

sufficient admissible evidence exists without delay in a fair and public hearing by an independent, impartial tribunal and to ensure that, if convicted, they are imprisoned in the US in accordance with the applicable international standards and principles; calls, similarly, for an investigation into human rights violations in Guantánamo and for clarification of responsibility;

52. Calls for any detainees who are not to be charged but cannot be repatriated owing to a real risk of torture or persecution in their home country to be given the opportunity of resettlement in the US under humanitarian protection and afforded redress ([1]), and urges the Member States also to be willing to host such former Guantánamo detainees;

53. Calls on the US authorities to repeal the power of indefinite detention without charge or trial under the NDAA;

54. Calls on the Conference of Delegation Chairs to ensure the initiation of parliamentary dialogues on the protection of fundamental rights while countering terrorism, on the basis of the findings of the UN Joint study on global practices in relation to secret detention in the context of countering terrorism and the follow-up thereto, and of the UN Compilation of good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies while countering terrorism, including on their oversight;

55. Undertakes to devote its next joint parliamentary meeting with national parliaments to reviewing the role of parliaments in ensuring accountability for human rights violations in the context of the CIA programme, and to promoting stronger cooperation and regular exchange between national oversight bodies in charge of scrutinising intelligence services, in the presence of the relevant national authorities, EU institutions and agencies;

56. Is determined to continue fulfilling the mandate given to it by the Temporary Committee, pursuant to Articles 2, 6 and 7 TEU; instructs its Committee on Civil Liberties, Justice and Home Affairs, together with the Subcommittee on Human Rights, to address Parliament in plenary on the matter a year after the adoption of this resolution; considers it essential now to assess the extent to which the recommendations adopted by Parliament have been followed and, where they have not been followed, to analyse why this is the case;

57. Requests the Council, the Commission, the European Ombudsman, the governments and parliaments of the Member States, of the candidate states and of the associated countries, the Council of Europe, NATO, the United Nations and the Government and two Houses of Congress of the United States to keep Parliament informed of any development that may take place in the fields falling within the remit of this report;

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58. Instructs its President to forward this resolution to the Council, the Commission, the European Ombudsman, the governments and parliaments of the Member States, of the candidate states and of the associated countries, and to the Council of Europe, NATO, the United Nations and the Government and two Houses of Congress of the United States.

([1]) See paragraph 3 of Parliament's aforementioned resolution of 4 February 2009.

Tuesday 11 September 2012

Enhanced intra-EU solidarity in the field of asylum

P7_TA(2012)0310

European Parliament resolution of 11 September 2012 on enhanced intra-EU solidarity in the field of asylum (2012/2032(INI))

(2013/C 353 E/02)

The European Parliament,

— having regard to Articles 67(2), 78 and 80 of the Treaty on the Functioning of the European Union,

— having regard to the communication of 2 December 2011 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on enhanced intra-EU solidarity in the field of asylum - An EU agenda for better responsibility-sharing and more mutual trust (COM(2011)0835),

— having regard to its resolution of 25 November 2009 on the communication from the Commission to the European Parliament and the Council – An area of freedom, security and justice serving the citizen – Stockholm programme ([1]),

— having regard to the communication of 6 April 2005 from the Commission to the Council and the European Parliament establishing a framework programme on solidarity and management of migration flows for the period 2007-2013 (COM(2005)0123),

— having regard to the conclusions of the Justice and Home Affairs Council of 8 March 2012 on a Common Framework for genuine and practical solidarity towards Member States facing particular pressures on their asylum systems, including through mixed migration flows, during the 3151st Justice and Home Affairs Council meeting,

— having regard to international and European human rights instruments including in particular the UN Convention relating to the Status of Refugees, the European Convention for the Protection of Human Rights and Fundamental Freedoms (the ECHR), and the Charter of Fundamental Rights of the European Union (the Charter),

— having regard to the Commission's Green Paper of 6 June 2007 on the future Common European Asylum System (COM(2007)0301),

— having regard to the Commission Policy Plan on Asylum of 17 June 2008: An integrated approach to protection across the EU (COM(2008)0360),

— having regard to Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof ([2]),

— having regard to the 18-month programme of the Council of 17 June 2011, prepared by the Polish, Danish and Cypriot Presidencies,

([1]) OJ C 285 E, 21.10.2010, p. 12.
([2]) OJ L 212, 7.8.2001, p. 12.

— having regard to the Commission proposal for a regulation of 15 November 2011 establishing the Asylum and Migration Fund (COM(2011)0751),

— having regard to Rule 48 of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0248/2012),

A. whereas the European Union has committed itself to completing the establishment of a Common European Asylum System (CEAS) in 2012;

B. whereas solidarity has been recognised as an essential component and a guiding principle of the CEAS from the outset, as well as constituting a core principle in EU law according to which Member States should share both advantages and burdens in an equal and fair manner;

C. whereas solidarity must go hand in hand with responsibility, and Member States must ensure that their asylum systems are able to meet the standards laid down in international and European law, in particular those of the Geneva Convention on Refugees of 1951 and its additional protocol of 1967, the European Convention on Human Rights, and the Charter of Fundamental Rights of the European Union;

D. whereas providing support in carrying out asylum procedures in the sense of efficient solidarity and fairly shared responsibility must be perceived as a means to assist Member States so that they comply with their obligation to provide protection to those in need of international protection and assistance to third countries hosting the largest numbers of refugees, with the aim of strengthening the common area of protection as a whole;

E. whereas, notwithstanding the obligation to examine individual asylum applications on a case-by-case basis, if joint processing is to lead to common decisions it is necessary that due respect be accorded to the common EU concepts of safe country of origin and safe third countries, respecting the conditions and safeguards included in Parliament's first reading position of 6 April 2011 on the Commission's proposal for a revised Asylum Procedures Directive;

Introduction

1. Welcomes the Commission communication on enhanced intra-EU solidarity in the field of asylum, which calls for the translation of solidarity and responsibility-sharing into concrete measures, and for Member States to fulfil their responsibility for ensuring their own asylum systems meet both international and European standards;

2. Emphasises the central role and horizontal effect of solidarity and responsibility-sharing in the establishment of a CEAS; reiterates the need to ensure the efficient and uniform application of the Union's asylum acquis and implementation of legislation in order to ensure high levels of protection;

3. Recalls that the right to international protection is a fundamental right enshrined in international and Union law which is complemented by a series of additional rights and principles, such as the principle of non-refoulement, the right to dignity, the prohibition of torture, inhuman or degrading treatment, the protection of women from violence and all forms of discrimination, the right to an effective remedy and the right to private and family life;

4. Underlines that the principle of solidarity and responsibility-sharing is enshrined in the Treaties, and that an effective solidarity framework includes, at the least, the duty on the part of the EU institutions and agencies and the Member States to cooperate in order to find ways to give effect to this principle; asserts that solidarity is not limited to Member States' relations with each other, but is also aimed at asylum seekers and beneficiaries of international protection;

5. Underlines the fact that while the number of asylum seekers increased during 2011, the last decade has seen a significant overall decrease in the number of asylum applications in the EU; stresses that certain Member States face a disproportionate number of asylum requests compared to others, owing to various factors including their geographical characteristics, and that asylum applications are unevenly spread across the EU; recalls that in 2011, ten Member States accounted for more than 90 % of asylum applications, that up to the summer of 2011 only 227 beneficiaries of international protection were relocated within the EU from Malta, to six other Member States, and that in 2011 in the whole EU, only 4 125 refugees were resettled to just ten Member States, representing approximately 6,6 % of all persons resettled during that year; stresses that it is crucial to identify these inequalities by, inter alia, comparing absolute numbers with capacity indicators, and that the Member States most affected by asylum applications must have greater assistance from the EU, both administratively and financially;

6. Stresses that a high level of protection for asylum applicants and beneficiaries of international protection cannot be achieved, and solid asylum decisions cannot be made, if the discrepancies between the proportion of asylum applications and individual Member States' absorption capacity in technical and administrative terms are not redressed and if the support measures in place in Member States are ill-adapted to respond to varying asylum flows;

7. Reiterates that Member States should ensure that fair and efficient asylum systems are put in place in order to respond to varying asylum flows; takes the view that although the number of asylum applications is not constant, there is evidence of specific entry points at the EU's external borders which constitute 'hot spots', and where it is reasonably predictable that a large number of asylum applications may be lodged; calls for measures to boost the preparedness of the asylum systems of those Member States located at the main EU entry points, as a sign of practical solidarity;

8. Emphasises that all Member States have the obligation to fully implement and apply both EU law and their international obligations on asylum; notes that Member States at the external borders of the Union face different challenges under the CEAS than do those without external borders, hence also needing different forms of support in order to carry out their respective tasks adequately; points out that Article 80 TFEU requires the activation of existing measures as well as the development of new measures so as to assist those Member States when necessary;

9. Calls for the optimisation of the use of existing measures, as well as for the development of new targeted measures and tools in order to respond to ever-changing challenges in a flexible yet effective manner; such optimisation is particularly timely given the acute financial crisis afflicting the EU, which is putting additional strain on Member States' efforts to cope efficiently with asylum procedures, particularly in the case of those receiving disproportionate numbers of asylum seekers;

10. Notes that in the light of growing needs with respect to refugees at a global level, cooperation with third countries in the context of environmental and development policies can play a vital role in the construction of relationships guided by solidarity;

11. Underlines the importance of collecting, analysing and putting in perspective reliable, accurate, comprehensive, comparable and up-to-date quantitative and qualitative data, in order to monitor and evaluate measures and acquire a sound understanding of asylum-related issues; encourages Member

States, therefore, to provide EASO and the Commission with relevant data on asylum issues, in addition to the data provided under the Migration Statistics Regulation and the EASO Regulation; all statistical data where possible should be broken down by gender;

12. Regrets the rise of xenophobia and racism and of negative and misinformed assumptions about asylum seekers and refugees accompanying socio-economic insecurity in the EU; recommends that Member States undertake awareness-raising campaigns on the actual situation of asylum seekers and beneficiaries of international protection;

Practical cooperation and technical assistance

13. Stresses that the establishment of the European Asylum Support Office (EASO) has the potential to promote closer practical cooperation among Member States in order to help reduce significant divergences in asylum practices, with a view to creating better and fairer asylum systems in the EU; believes that such active and practical cooperation must go hand in hand with the legislative harmonisation of European asylum policies;

14. Recalls the need for EASO to provide technical support and specific expertise to Member States in their implementation of the asylum legislation, in cooperation with civil society and the UNHCR; stresses that it is important that the Commission should use the information gathered by EASO to identify potential shortcomings in Member States' asylum systems; such information collected by EASO pursuant to Regulation (EU) No 439/2010 is also pertinent in the framework of the mechanism for early warning, preparedness and crisis management which will form part of the amended Dublin Regulation; underlines the importance of presenting regular reports and drawing up action plans in order to promote targeted solutions and recommendations for improving the CEAS and remedying potential deficiencies; notes, in particular, the agency's role in coordinating and supporting common action in order to assist Member States whose asylum systems and reception facilities are subject to particular pressure, by means of measures including the secondment of officials to the Member States in question and the deployment of asylum expert teams and of social workers and interpreters who can be mobilised quickly in crisis situations; recalls that the impact of EASO will depend on the willingness of Member States to make full use of its potential;

15. Calls on EASO, taking into account its duties as well as its limited budget, resources and experience, to optimise its available resources by engaging in close dialogue and cooperation with international organisations and civil society with a view to exchanging information and pooling knowledge in the field of asylum, collecting data, exchanging best practice, developing comprehensive guidelines on gender-related asylum issues, developing training, and creating pools of experts, case workers and interpreters who could be mobilised at short notice to provide assistance; further recommends that EASO ensure a broad representation of organisations participating in the consultative forum;

16. Stresses that EASO's activities should focus on both long-term preventive objectives and short-term reactive measures, in order to respond adequately to different situations; considers, therefore, that while EASO should support capacity-building measures for underdeveloped or dysfunctional asylum systems, it should give priority to emergency situations and to Member States facing particular or disproportionate pressures; emphasises, in this respect, the crucial role of Asylum Expert Teams in assisting with heavy caseloads and backlogs, providing training, undertaking project management, advising and recommending concrete measures, and monitoring and implementing follow-up measures;

17. Takes note of the operational plan in place to support the Greek asylum system and improve the situation of asylum seekers and beneficiaries of international protection in Greece; underlines that despite some progress achieved, additional efforts are needed from both the EU and the Greek authorities to improve the asylum system and ensure that asylum seekers' rights are respected in full; recalls that measures to reduce the budget deficit preclude allocating national funds to hire more officials, and recommends that this problem be addressed, since a well-functioning asylum authority is necessary to enable Greece to fulfil its obligations under international and EU law;

18. Takes note of the recommendation of the Commission and Council regarding inter-agency cooperation between EASO and Frontex, and stresses that the full and swift implementation of Frontex's Fundamental Rights Strategy is a sine qua non for any such cooperation in the context of international protection, including the appointment of a Human Rights Officer, setting up the consultative forum with civil society, and inviting international organisations to participate in its activities as human rights observers; emphasises that any cooperation must be viewed in the context of upholding the standards set by European and international norms thus increasing in practice the quality of protection provided to asylum seekers; calls, therefore, on the EASO to support Frontex with respect to its obligations related to access to international protection, in particular the principle of non-refoulement; stresses that border measures should be applied in a protection-sensitive manner;

19. Recognises the need to review EASO's mandate regularly, in order to ensure adequate responsiveness to the different challenges faced by asylum systems; bearing in mind that all action undertaken by EASO depends on Member States' goodwill, suggests considering the possibility of introducing structural safeguards within EASO's mandate so as to ensure that practical cooperation and technical assistance are provided where necessary;

Financial solidarity

20. Encourages Member States to make full use of the possibilities available under the European Refugee Fund (ERF) in terms of undertaking targeted actions for the improvement of asylum systems; recommends that Member States take action to address issues such as cumbersome bureaucratic procedures, absorption delays and liquidity problems, in order to ensure an effective and swift distribution of funds;

21. Notes that Member States must ensure that full use is made of the opportunities afforded by the European Refugee Fund, and that all appropriations allocated can be disbursed so that project leaders do not face problems when implementing funded projects;

22. Welcomes the creation as from 2014 of a simpler and more flexible Asylum and Migration Fund (AMF), which will replace the European Refugee Fund, the European Fund for the Integration of Third-Country Nationals and the European Return Fund, and underlines the need to allocate sufficient resources to support the protection of beneficiaries of international protection and asylum seekers; stresses, in this respect, the importance of including safeguards within the AMF, in order to prevent excessive allocation of funds to only one policy area at the expense of the CEAS as a whole; considers it necessary, in the context of the reform of allocation of funds in the home affairs area for the MFF 2014-2020, to also allocate sufficient resources for border protection in order to achieve greater solidarity in this area too; recalls that there should always be sufficient resources to fund international protection and solidarity measures for Member States;

23. Emphasises the need for the Asylum and Migration Fund to be sufficiently flexible and easy to mobilise as well as offering rapid access, in order to be able to respond rapidly and appropriately to unforeseen pressures or emergency situations affecting one or several Member States; proposes in this respect to reserve, where necessary, a certain percentage of the AMF's amount earmarked in the framework of the mid-term review for measures aimed at helping Member States to fully implement and apply the existing EU asylum acquis and to adhere to all international obligations in this field;

24. Welcomes the home affairs policy dialogues with individual Member States on their use of the funds preceding multiannual programming; stresses the importance of participatory action to achieve optimal results, and recommends reinforcing the partnership principle by including civil society, international organisations and local and regional authorities, as well as relevant stakeholders, as their experience on the ground is essential for setting realistic priorities and developing sustainable programmes; their input in terms of the development, implementation, monitoring and evaluation of the objectives and programmes is therefore important and should be taken into account by the Member States;

25. Underlines the importance of financial responsibility-sharing in the field of asylum, and recommends creating a well-resourced mechanism for receiving larger numbers of asylum seekers and beneficiaries of international protection, in either absolute or proportional terms, and for helping those with less developed asylum systems; considers that further research is required to identify and quantify the real costs of hosting and processing asylum claims; calls, therefore, on the Commission to undertake a study in order to assess the funds that should be allocated according to the responsibility borne by each Member State, on the basis of indicators such as: the number of first asylum applications, the number of positive decisions granting refugee status or subsidiary protection, the number of resettled and relocated refugees, the number of return decisions and operations, and the number of apprehended irregular migrants;

26. Recommends that Member States make use of the financial incentives available through the AMF for relocation activities, acknowledging that financial assistance through the fund and technical assistance through the EASO are important; suggests introducing priority areas to address urgent situations and provide more substantial financial assistance to Member States wishing to participate in relocation initiatives, in order to alleviate the related financial costs;

27. Believes that the establishment of a clearer and more effective system of financial incentives for Member States participating in relocation activities and proactive strategies aimed at improving the infrastructures of national asylum systems will have a long-term positive effect on the convergence of standards in the EU and the quality of the CEAS;

28. Welcomes the possibility of increasing the Commission's contribution to up to 90 % of the total eligible expenditure for projects that could otherwise not have been implemented; considers that a clear added value should emerge from projects funded by the Commission; stresses that EU funding should under no circumstances be a substitute for national budgets allocated to asylum policies;

29. Underlines the problems currently linked to the funding of activities in terms of obstacles to access to accurate information and funding, the setting-up of realistic and tailored objectives, and the implementation of effective follow-up measures; suggests introducing safeguards to avoid duplication, clear allocation of funding, and thorough examination of activities' added value and the results achieved;

30. Stresses the importance of strict oversight with regard to the funds' use and management, on the basis of quantitative and qualitative indicators and specific criteria, in order to avoid the misallocation of human and financial resources and guarantee compliance with the objectives established; welcomes, in this respect, the setting-up of a common evaluation and monitoring system;

31. Urges the Member States, with the assistance of the Commission, to ensure the full exploitation of existing complementarities between other available financial instruments such as the European Social Fund and other Structural Funds, in order to achieve a holistic funding approach for asylum-related policies;

Allocation of responsibilities

32. Welcomes the Commission's commitment to performing a comprehensive evaluation of the Dublin system in 2014, reviewing its legal, economic, social and human rights effects, including the effect on the situation of women asylum seekers; considers that further reflection is needed on the development of an equitable responsibility-sharing mechanism for determining which Member State should be responsible for processing asylum applications, which would allow for quick and effective practical support for Member States in emergency situations and facing disproportionate burdens;

33. Considers that the Dublin Regulation, which governs the allocation of responsibility for asylum applications, places a disproportionate burden on Member States constituting entry points into the EU, and does not foresee for a fair distribution of asylum responsibility among Member States; notes that the Dublin system as it has been applied so far, in a context characterised by very different asylum systems and insufficient levels of asylum acquis implementation, has led to the unequal treatment of asylum seekers while also having an adverse impact on family reunification and integration; stresses, moreover, its shortcomings in terms of efficiency and cost-effectiveness, since more than half of agreed transfers never take place and there are still significant numbers of multiple applications; calls on the Commission and the Member States to ensure that asylum-seekers who are returned to a Member State on the basis of the Dublin II Regulation are not discriminated against for the sole reason of being Dublin II transferees;

34. Stresses that the relevant case-law is already in the process of undermining the rationale behind the Dublin system; considers that while providing an answer to individual cases, the case-law fails to overcome the deficiencies that exist in the implementation of the asylum acquis; while recognising the need for Member States to ensure that their asylum systems comply with EU and international norms, welcomes, therefore, the efforts to include additional criteria in Dublin II in order to mitigate the system's unwanted adverse effects; believes that discussions for the determination of the Member State responsible must take account of the fact that some Member States are already facing disproportionate pressures and some asylum systems are partially or fully dysfunctional;

Joint processing of asylum applications

35. Deems it essential to engage in further dialogue with regard to responsibility-sharing towards asylum seekers and beneficiaries of international protection, including on the use of tools such as the joint processing of asylum applications (hereinafter 'joint processing') and relocation schemes;

36. Considers that joint processing could constitute a valuable tool for solidarity and responsibility-sharing in various cases, in particular where Member States face significant or sudden influxes of asylum seekers or there is a substantial backlog of applications which delays and undermines the asylum procedure at the expense of asylum applicants; joint processing could prevent or rectify capacity problems, reduce the burdens and costs related to asylum processing, expedite the processing time of claims and ensure a more equitable sharing of responsibility for the processing of asylum applications; emphasises that joint processing requires a clear allocation of responsibilities between the Member States involved in order to avoid responsibility-shifting, and that decision-making remains the responsibility of the Member State; notes that this would need to be complemented by a system to ensure a more equitable sharing of responsibility once applications are processed;

37. Welcomes the feasibility study launched by the Commission to investigate the legal and practical implications of joint processing on Union territory, since clarification is needed with respect to a series of issues;

38. Notes that joint processing does not necessarily entail a common decision, but could involve support and common processing with respect to other aspects of the asylum procedure, such as identification, preparation of first-instance procedures, interviews, or assessment of the political situation in the country of origin;

39. Emphasises that joint processing should offer added value with respect to the quality of the decision-making process, ensuring and facilitating fair, efficient and rapid procedures; underlines the fact that improving asylum procedures from the outset (frontloading) can reduce the length and cost of the procedure, therefore benefiting both asylum seekers and Member States;

40. Stresses that a joint processing scheme should fully respect the rights of applicants and contain strong guarantees to that end; insists that joint processing must in no circumstances be used to accelerate the asylum procedure at the expense of its quality; takes the view that joint processing could lead to more efficient asylum procedures, also benefiting individual asylum seekers since with increased administrative capacities their protection needs could be recognised faster;

41. Considers that EASO's role could be valuable in putting together, training and coordinating asylum support teams which would provide assistance, advice, and recommendations for first-instance procedures;

42. Recommends that the envisaged schemes with regard to joint processing should prioritise options involving the deployment and cooperation of the relevant authorities, rather than the transfer of asylum seekers;

43. Calls for EASO to encourage, facilitate and coordinate exchanges of information and other activities in connection with joint processing;

Relocation of beneficiaries of international protection and asylum seekers

44. Underlines that EU resettlement and intra-EU relocation schemes are complementary measures aimed at reinforcing the protection of asylum seekers and beneficiaries of international protection while showing both intra- and extra-EU solidarity;

45. Stresses that, under certain conditions, the physical relocation of beneficiaries of international protection and asylum seekers is one of the most concrete forms of solidarity and can make a significant contribution to a more equitable CEAS; emphasises that while it also represents a solid expression of commitment to international protection and the promotion of human rights, so far few Member States have engaged in relocation initiatives;

46. Stresses the importance of projects such as the European Union's Relocation Project for Malta (Eurema) and its extension, under which beneficiaries of international protection have been, and are being, relocated from Malta to other Member States, and advocates developing more initiatives of this kind; regrets that this project has not been as successful as expected because Member States were reluctant to participate; calls on Member States to participate more actively in the Eurema project in a spirit of solidarity and responsibility-sharing; welcomes the Commission's commitment to undertake a thorough evaluation of the Eurema project and submit a proposal for a permanent EU Relocation Mechanism;

47. Calls on the Commission to take into consideration, in its legislative proposal for a permanent and effective intra-EU Relocation Mechanism, the use of an EU Distribution Key for the relocation of beneficiaries of international protection, based on appropriate indicators relating to Member States' reception and integration capacities, such as Member States' GDP, population and surface area and beneficiaries' best interest and integration prospects; this EU Distribution Key could be taken into account for Member States which are facing specific and disproportionate pressures on their national asylum systems or during emergency situations; underlines that relocation will always depend on the consent of beneficiaries of international protection and that the introduction of an EU Distribution Key would be without prejudice to each Member State's obligation to implement and apply the existing EU asylum acquis in terms of qualification for protection, reception conditions and procedural guarantees, and to adhere to all international obligations in this field;

48. Calls on the Commission to include strong procedural safeguards and clear criteria in its proposal for a permanent EU relocation scheme, in order to guarantee potential beneficiaries' best interests and relieve migratory pressure in the Member States particularly exposed to migration flows; recommends involving the host community, civil society and local authorities from the outset in relocation initiatives;

49. Underlines that while relocation can both offer lasting solutions for beneficiaries of international protection and alleviate Member States' asylum systems, it must not result in responsibility-shifting; insists that relocation should include strong commitments from Member States benefiting from it to effectively address protection gaps in their asylum systems and to guarantee high levels of protection for those remaining in the sender Member States in terms of reception conditions, asylum procedures and integration;

50. Welcomes the funding possibilities provided under the AMF for relocating asylum seekers, and encourages Member States to engage in voluntary initiatives, while fully respecting asylum seekers' rights and the need for their consent; calls on the Commission to investigate the feasibility of developing an EU system for relocating asylum seekers, examining, inter alia, the feasibility of basing it on an EU distribution key which would take into consideration objectively verifiable criteria such as Member States' GDP, population and surface area and asylum seekers' best interest and integration prospects; such a programme could be applied as a solidarity measure in situations where the number of asylum seekers is disproportionally high in relation to the capacity of a Member State's asylum system, or in emergencies;

51. Recalls EASO's mandate with regard to promoting the relocation of beneficiaries of international protection amongst Member States, and calls on the Agency to build its capacity in order to actively support relocation programmes and activities in close cooperation with the UNHCR, through exchange of information and best practice and coordination and cooperation activities;

52. Notes that the Commission has indicated that it will always consider activating the mechanism of the Temporary Protection Directive when the appropriate conditions are met, in particular in the event of a mass influx or imminent mass influx of displaced persons unable to return to their country of origin in safe and durable conditions; calls on the Commission to make it possible for this Directive to be activated even in cases where the relevant influx constitutes a mass influx for at least one Member State and not only when it constitutes such an influx for the EU as a whole;

Mutual trust at the heart of a renewed governance system

53. Insists that mutual trust is based on a shared understanding of responsibilities; stresses that compliance with EU law is an indispensable element for trust among Member States;

54. Stresses that if Member States fulfil their obligations regarding legal and fundamental rights, this will strengthen both trust and solidarity;

55. Stresses the importance of laying solid foundations for mutual trust among Member States, since this is quintessentially linked to the development of the CEAS and to genuine and practical solidarity;

56. Acknowledges that while compliance with international protection obligations enhances mutual trust, this does not necessarily result in a uniform application of rules, given that the interpretation and application of international and EU asylum law still varies widely among Member States, as is clear from the recent ECHR and CJEU case-law relating to the Dublin Regulation; emphasises that it is the responsibility of the Commission and the courts to monitor and evaluate the application of asylum rules in accordance with international and EU law;

57. Believes that early warning mechanisms introduced to detect and address emerging problems before they lead to crises can constitute a valuable tool; considers, nevertheless, that complementary solutions should also be envisaged, so as to avoid infringing fundamental rights and ensure the proper functioning of asylum systems;

58. Stresses that while infringement proceedings should be more readily used to draw attention to Member States' responsibilities and their failure to adhere to the existing asylum acquis, they should be accompanied by preventive measures, operational plans and oversight mechanisms in order to yield results; underlines the importance of regular evaluations, constructive dialogue, and exchange of best practice, as crucial elements that are more likely to produce positive developments in asylum systems where deficiencies are identified; different forms of financial and practical assistance can thus be provided in order to achieve the full and correct implementation of European asylum legislation;

59. Notes that the Dublin system is based on mutual trust and that its implementation amounts to a mutual recognition of rejection decisions among Member States, given that an asylum claim can only be considered in the EU once; calls on the Commission to submit a communication on a framework for the transfer of protection of beneficiaries of international protection and mutual recognition of asylum decisions by 2014, in line with the Action Plan Implementing the Stockholm Programme;

60. Underlines that migration management can increase mutual trust and solidarity measures only if coupled with a protection-sensitive approach under which border measures are carried out without prejudice to the rights of refugees and persons requesting international protection;

61. Stresses that visa regimes govern a multitude of entry and exit authorisations and that those entry and exit rules do not place any restrictions on the legal obligation to provide access to asylum;

62. Recalls the Commission's commitment to facilitate the orderly arrival in the EU of persons in need of protection, and calls on it to explore new approaches to access to asylum procedures; welcomes, in this respect, the Commission's commitment to adopt a 'Communication on new approaches concerning access to asylum procedures targeting main transit countries' by 2013;

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

Preparation of the Commission work programme 2013

P7_TA(2012)0319

European Parliament resolution of 11 September 2012 on the Commission Work Programme for 2013 (2012/2688(RSP))

(2013/C 353 E/03)

The European Parliament,

— having regard to the forthcoming Communication on the Commission Work Programme for 2013,

— having regard to the existing Framework Agreement on relations between Parliament and the Commission and, in particular, Annex 4 thereto,

— having regard to its resolution of 4 July 2012 on the June 2012 European Council meeting [1],

— having regard to Rule 35(3) of its Rules of Procedure,

[1] Texts adopted, P7_TA(2012)0292.

Tuesday 11 September 2012

A. whereas the scale and nature of the sovereign debt, financial and economic crisis are testing the governance of the European Union as never before;

B. whereas the EU is at a critical point and the crisis will not be overcome without a significant deepening of European integration, in particular in the euro area, with a corresponding reinforcement of democratic control and accountability;

C. whereas the role of the Commission is to promote the general interest of the Union, to take appropriate initiatives to that end, to ensure the application of the Treaties, to oversee the implementation of Union law, to exercise coordinating, executive and management functions and to initiate legislation;

PART 1

1. Urges the Commission to use all its powers to the full and to provide the political leadership required to meet the numerous challenges thrown up by the continuing crisis, while aiming to achieve financial stability and economic recovery based on increased competitiveness and a sustainable, effective and socially just anti-crisis agenda;

2. Recalls its demand of 4 July 2012 that the Commission table a package of legislative proposals by September, in line with the Community method, on the basis of the four building blocks identified in the report entitled 'Towards a Genuine Economic and Monetary Union';

3. Insists that the Commission play a full part in formulating the reports to the European Council meetings in October and December 2012, which must establish a clear roadmap and schedule for the consolidation of economic and monetary union, including an integrated financial, fiscal and economic policy framework, and which must lead in due course to a stronger political union, and in particular to greater democratic accountability and legitimacy on the basis of Treaty change;

4. Points to Parliament's position on the 'two-pack' legislation, which will strengthen budgetary surveillance and enhance budgetary policy in the euro area and which contains provisions allowing for a differentiated path for budgetary consolidation in the event of a severe economic downturn;

5. Urges the Commission to put forward proposals to implement the commitments outlined in the Compact for Growth and Jobs, notably with a view to stimulating sustainable growth-oriented investment, improving the competitiveness of a European economy geared towards the Europe 2020 objectives, in particular those of resource efficiency and sustainability, and deepening the single market; calls on the Commission to use its Work Programme for 2013 to set out a detailed growth agenda which focuses on encouraging business and entrepreneurs to develop the industries and services that will deliver long-term jobs and prosperity; stresses, in this context, the importance of significantly scaling up European project bonds on the basis of cooperation between the EU budget and the European Investment Bank;

6. Points, furthermore, to the need for a sustained and symmetrical reduction of excessive macroeconomic imbalances and calls for concrete changes in EU tax law to tackle all aspects of tax havens and fiscal evasion;

7. Calls on the Commission to do its utmost to facilitate the speedy adoption of the Multiannual Financial Framework (MFF) and the related multiannual legislative programmes, with full involvement of Parliament and due respect for its co-decision rights; strongly supports the commitment to make the EU budget a catalyst for growth and jobs around Europe; calls on the Commission, in this connection, to defend its proposal to ensure that the Union's budget reflects more directly its needs and political objectives;

8. Insists, however, that the reform of the own-resources system, including the creation of new own resources, is an essential element without which the prospects for an agreement on the new MFF are poor; asks the Commission to support the request by several Member States for enhanced cooperation in this area; underlines the desirability, nevertheless, of reaching an overall agreement by the end of this year;

9. Urges the Commission to improve the coherence of its legislative programme, to raise the quality of its legislative drafting, to strengthen its impact assessment of draft laws, to propose wherever appropriate the use of correlation tables with a view to better transposition of EU law, and to back Parliament in its negotiations with the Council on the use of delegated implementing acts; reiterates its repeated calls for the 2003 Interinstitutional Agreement on better lawmaking to be renegotiated;

10. Calls on the Commission to take due note of the sector-specific positions of Parliament as set out in Part 2 below;

PART 2

Implementation

11. Emphasises the importance of the proper and timely implementation of EU law through national legislation, and urges the Commission, if necessary, to open infringement proceedings in order to ensure proper transposition and effective enforcement;

12. Urges the Commission to propose the introduction of compulsory national management declarations, signed at the appropriate political level, covering EU funds under shared management; urges continued action on simplifying the EU's programmes, particularly in the field of research and innovation; calls on the Commission to monitor closely the use of financial engineering instruments (FEIs); calls for systematic, regular and independent evaluations, to ensure that all spending is achieving the desired outcomes in a cost-effective manner;

13. Expects the Commission to submit in good time the draft amending budgets necessary to ensure that payment levels are in line with the measures agreed at the June 2012 European Council to stimulate growth and are sufficient to honour outstanding commitments;

Single market

14. Calls on the Commission to continue to focus on improving the governance of the single market, to renew its drive to achieve administrative simplification, to give due consideration to proposing, where appropriate, regulations rather than directives in order to ensure the proportionality of proposed measures, and to monitor progress with a view to the full implementation of the single market *acquis*, especially in the services sector, including the possibility of 'fast-track' infringement procedures; stresses that due account must be taken of the economic, social and environmental dimensions of the single market;

15. Looks forward to the Commission's Single Market Act II proposals for priority actions to boost growth, employment and confidence in the single market; encourages the use of enhanced cooperation where appropriate and necessary;

16. Calls on the Commission to be more systematic in assessing the impact of its proposals on SMEs, on which Europe relies for many new jobs; urges the Commission, in this regard, actively to discourage the 'gold-plating' of EU law at national level, which distorts the level playing field in the internal market; calls for the bureaucratic burden to be further reduced;

17. Confirms its support for the Commission's emphasis on the digital agenda; urges proposals to provide more cross-border services to consumers throughout the EU;

18. Recalls the need for a solid revision of the General Product Safety Directive (Directive 2001/95/EC of the European Parliament and of the Council [1]) that guarantees consumer health and safety but also facilitates trade in goods, especially for SMEs; calls on the Commission to propose a cross-cutting regulation on market surveillance for all products; calls, furthermore, for effective redress in retail financial services and a common horizontal, coordinated approach in order to protect consumers;

19. Urges the Commission to improve its regulatory behaviour towards SMEs and micro-enterprises by tailoring legislation to SME needs and also furthering the introduction of appropriate exemptions;

20. Urges the Commission to pursue its copyright reform, which should be fit for the internet environment and based on social legitimacy, with due respect for fundamental rights, including the completion of industrial property rights reform to boost Europe's growth and job creation; calls on the Commission to take account of the legal problems that came to light in the controversy surrounding the Anti-Counterfeiting Trade Agreement (ACTA) when presenting its proposal on the revision of EU trademark law;

Climate, environment, energy and transport

21. Insists on the need to implement the roadmap to a resource-efficient Europe in order to create incentives for the development of the green economy, the fostering of biodiversity and the fight against climate change, including the integration of resource-efficiency measures as envisaged in the Europe 2020 strategy;

22. Believes that the European Semester must provide the opportunity for each Member State to account for its own commitments regarding the EU 2020 strategy, the Euro Plus Pact, the Single Market Act and other major EU objectives;

23. Calls on the Commission to bring forward without delay proposals to address the weaknesses of the current Emissions Trading System in order to prevent its collapse;

24. Calls on the Commission to present a detailed action plan of measures designed to achieve a fully integrated and interconnected single market in energy, and emphasises the importance of providing the EU with a modern grid infrastructure;

25. Calls on the Commission to implement the Roadmap for moving to a competitive low-carbon economy in 2050, including mid-term milestones;

26. Requests that the Commission draw up a strategy to address the impact of rising energy prices on members of society;

27. Believes that the crisis should be used as an opportunity to transform our development model of society with a view to creating a highly efficient, renewable-based and climate-resilient economy; underlines the need for the Commission to come forward with proposals for a 2030 energy and climate package based on the current three pillars, i.e. greenhouse gas reductions, renewable energy sources and energy efficiency;

[1] OJ L 11, 15.1.2002, p. 4.

28. Supports the Commission's emphasis on the need to modernise Europe's multimodal transport network, which is vital for the success of the internal market; calls on the Commission to stick to its commitment to railways and to extend the competences of the European Railway Agency in the field of safety certification and harmonisation of rolling stock;

29. Regrets the failure to implement in full the Single European Sky initiative, and calls on the Commission to renew its efforts in this regard;

Cohesive and inclusive societies – Citizens' Europe

30. Strongly welcomes the Commission's focus on youth employment and its proposals to expand the Union's capacity to boost education and training; expects, as part of the umbrella communication on the employment package, clear targets and timetables and concrete proposals in the areas of youth mobility, the 'Youth Guarantee', the quality framework for internships, language skills and youth entrepreneurship, in order to fight high youth unemployment; also expects concrete measures to reduce poverty, reform the labour market and establish social standards, so that a balanced 'flexicurity' approach can be implemented in those Member States that so desire, and calls for greater emphasis to be placed on the employment of disabled people in the context of an ageing society;

31. Stresses the importance of investment in human capital and research and development, and of adequate education and training to facilitate professional mobility; also calls for further work on the issues of violence against women and human trafficking;

32. Reiterates its call for a strong EU-wide cohesion policy post-2013, which must streamline existing funds and programmes, ensure adequate financing, be based on multi-level governance and be closely aligned with the objectives of the EU 2020 strategy; insists on the need to improve the efficiency and responsiveness of the Solidarity Fund and expects proposals to that end; is convinced that it is possible to find, by appropriate means, common ground for the EU cohesion and research and development policies, which ought to be targeted towards growth and competitiveness while respecting the principles of economic, social and territorial cohesion as well as excellence;

33. Supports initiatives at Union level to complement national efforts in increasing micro-credit and boosting social entrepreneurship which delivers services that are not sufficiently provided by the public or private sectors;

34. Welcomes the more robust approach taken by the Commission to protecting the rule of law and fundamental rights across the Union; calls for a review of the Fundamental Rights Agency in order to guarantee effective monitoring and implementation of the Charter of Human Rights and align it with the Lisbon Treaty; supports the Commission in its negotiation of the EU's accession to the European Convention on Human Rights;

35. Calls on the Commission to examine the implementation of the Racial Equality Directive (Council Directive 2000/43/EC [1]) and the transposition of the Framework decision on combating racism and xenophobia (Council Framework Decision 2008/913/JHA [2]), and considers it regrettable that the EU framework for national Roma integration strategies is not legally binding;

36. Calls on the Commission to ensure that freedom of movement of persons is secured and that the Schengen *acquis* is fully respected; stresses the need to replace inadequate peer review by Member States and calls for the Commission to take full responsibility for the supervision of the Schengen rules; welcomes the Commission's support for its position on the legal basis for the Schengen rules;

[1] OJ L 180, 19.7.2000, p. 22.
[2] OJ L 328, 6.12.2008, p. 55.

37. Considers regrettable the absence of a legislative proposal on enhanced intra-EU solidarity in the field of asylum; calls for a legislative proposal to establish a common European asylum system combining responsibility and solidarity;

38. Underlines the importance of adopting the regulation on a general framework for data protection and the directive on data protection in the field of prevention, detection, investigation or prosecution of criminal offences in order to ensure that any further counter-terrorism measures uphold high standards of privacy and data protection; calls on the Commission to bring forward its review of the Data Retention Directive (Directive 2006/24/EC of the European Parliament and of the Council [1]);

39. Strongly supports the Commission's emphasis on implementing citizen-friendly initiatives in the context of the proposal for a decision on the European Year of Citizens (2013) (COM(2011)0489) so as to further strengthen citizens' awareness of the benefits deriving from European citizenship;

Agriculture and fisheries

40. Takes note of the ongoing reform of the Common Agricultural Policy; welcomes the Commission's commitment to promoting a balanced and integrated approach which safeguards both the sustainable and efficient production of high-quality and affordable food and respect for the environmental and heritage value of the countryside; urges that the CAP be closely aligned with the Europe 2020 strategy in order to encourage innovation in farming and enhance the sustainability, fairness and competitiveness of European agriculture at local and regional levels;

41. Stresses that the reform of the Common Fisheries Policy must be ambitious in order to achieve sustainable and healthy long-term fish stocks; urges the Commission to ensure that Article 43(2) of the Treaty on the Functioning of the European Union (TFEU) is the legal basis for its proposals and to limit the use of Article 43(3) to proposals strictly connected to the setting and allocation of fishing opportunities; recalls its opposition to the practice of discards and to ill-judged and costly measures aimed at reducing fleet capacity;

Foreign and development policies

42. Calls for the Commission and the European External Action Service to work together to propose well-coordinated initiatives to the Council in the field of common foreign and security policy; urges the Commission to unite all its relevant activities and services, including development policy, with a view to attaining the international objectives of the Treaty of Lisbon and, in particular, Article 208 TFEU, which relates to policy coherence for development (PCD), while remaining faithful to the values on which the Union itself was built;

43. Expects legislative initiatives to revise the legal bases for the next generation of external financial assistance instruments, using to the full the system of delegated acts; calls for more flexibility in disbursing financial assistance in crisis situations;

44. Expects the Commission to support the enlargement of the Union to include any European country which respects the Union's values and is committed to promoting them, while taking into account the requirement for accession countries to fulfil the Copenhagen criteria and the Union's capacity for integration; believes that the Union would lose moral authority and political credibility worldwide were it to close its doors to its neighbours; expects the Commission to continue its work on the ongoing accession negotiations;

[1] OJ L 105, 13.4.2006, p. 54.

45. Calls on the Commission to apply an enhanced outcomes-oriented development policy ensuring greater aid effectiveness and guaranteeing tighter policy coherence and greater donor coordination at national, EU and global level and, increasingly, with emerging global development players; insists on the need to set up a dedicated trust fund to address the problem of malnutrition in developing countries and to open a consultation process on the phenomenon of land grabbing; urges the Commission to ensure greater EU aid effectiveness in the light of possible post-2015 Millennium Development Goals;

Trade

46. Considers the reciprocal and balanced openness of markets to be a strategic policy instrument for the EU's internal growth and employment; underlines the importance of involving Parliament at all stages of negotiations and remains committed to a multilateral approach to international trade; stresses the importance of the fight against protectionism at the multilateral level and through all trade agreements;

47. Supports the Commission's efforts in all ongoing bilateral and regional trade negotiations; recognises the need for continuing progress in reaching bilateral free trade agreements with significant partners;

48. Stresses the importance it attaches to the mainstreaming of human rights, social and environmental standards and corporate social responsibility in all international policy, together with clear rules requiring responsible behaviour by European companies;

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

Voluntary and unpaid donation of tissues and cells

P7_TA(2012)0320

European Parliament resolution of 11 September 2012 on voluntary and unpaid donation of tissues and cells (2011/2193(INI))

(2013/C 353 E/04)

The European Parliament,

— having regard to Article 184 of the Treaty on the Functioning of the European Union,

— having regard to the Charter of Fundamental Rights of the European Union, and in particular Article 1 on human dignity and Article 3 on the right to the integrity of the person, which refers to the "prohibition on making the human body and its parts as such a source of financial gain",

— having regard to the Second Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Voluntary and Unpaid Donation of Tissues and Cells (COM(2011)0352),

— having regard to Directive 2010/53/EU of 7 July 2010 of the European Parliament and of the Council on standards of quality and safety of human organs intended for transplantation ([1]),

([1]) OJ L 207, 6.8.2010, p. 14.

Tuesday 11 September 2012

— having regard to its resolution of 19 May 2010 on the Commission Communication: Action Plan on Organ Donation and Transplantation (2009-2015): Strengthened Cooperation between Member States ([1]),

— having regard to Regulation (EC) No 1394/2007 ([2]) of the European Parliament and of the Council of 13 November 2007 on advanced therapy medicinal products and amending Directive 2001/83/EC and Regulation (EC) No 726/2004,

— having regard to Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells ([3]),

— having regard to Directive 2006/17/EC of 8 February 2006 ([4]) implementing Directive 2004/23/EC of the European Parliament and of the Council as regards certain technical requirements for the donation, procurement and testing of human tissues and cells,

— having regard to the World Health Organization's Guiding Principles on Human Cell, Tissue and Organ Transplantation,

— having regard to the Council of Europe Convention on Human Rights and Biomedicine, and its Additional Protocol concerning Transplantation of Organs and Tissues of Human Origin,

— having regard to the Oviedo Convention on Human Rights and Biomedicine, and the additional protocol thereto on transplantation of organs and tissues of human origin,

— having regard to the European data on Tissues, Haematopoietic and Reproductive Cells donation and transplantation activities of the 2010 Report of the European Registry for Organs, Tissues and Cells,

— having regard to its resolution of 10 March 2005 on the trade in human egg cells ([5]),

— 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 opinion of the Committee on Legal Affairs (A7-0223/2012),

A. whereas donated tissues and cells, such as skin, bones, tendons, corneas and haematopoietic stem cells, are increasingly used in medical therapies and as starting material for advanced therapy medicinal products (ATMP); whereas Directive 2004/23/EC stipulates that Member States shall endeavour to ensure voluntary and unpaid donations and shall also endeavour to ensure that the procurement of tissues and cells as such is carried out on a non-profit basis; whereas this is a clear legal obligation, and if a Member State does not comply with the principle, infringement proceedings may be brought;

B. whereas in accordance with Article 12(1) of Directive 2004/23/EC, Member States shall submit reports on the practice of voluntary and unpaid donation to the Commission every three years;

([1]) OJ C 161 E, 31.5.2011, p. 65.
([2]) OJ L 324, 10.12.2007, p. 121.
([3]) OJ L 102, 7.4.2004, p. 48.
([4]) OJ L 38, 9.2.2006, p. 40.
([5]) OJ C 320 E, 15.12.2005, p. 251.

C. whereas 27 of the 29 reporting countries have some form of provisions governing the principle of voluntary and unpaid donation of tissues and cells (binding or non-binding);

D. whereas 13 countries have guiding principles regarding the possibility of giving forms of compensation or incentives to donors of tissues and cells;

E. whereas 19 countries report providing some form of compensation or incentives for living donors of tissues and cells (excluding reproductive cells);

F. whereas 14 countries give some form of compensation or incentives for the donation of reproductive cells;

G. whereas four countries provide forms of compensation or incentives to relatives of deceased donors;

H. whereas targeted public awareness-raising and the dissemination of clear, fair, scientifically based and conclusive medical information at national and European level, particularly among the patient's immediate circle, play a very important role in gaining public support and increasing tissue and cell donation rates;

I. whereas advertising the need for, or availability of, human tissues and cells with a view to offering or seeking financial gain or comparable advantage, should be prohibited;

J. whereas, while 11 countries have official policies in place to endeavour to promote self-sufficiency of tissues and cells, 17 other countries have bilateral agreements with the same aim of ensuring national supplies of human tissues and cells;

K. whereas it is also of the utmost ethical importance to ensure, in so far as possible, an adequate supply of tissues and cells needed for medical purposes; whereas that supply must be managed in the interest of citizens and should therefore be supervised by public bodies;

L. whereas the majority of the reporting countries have public collectors/suppliers of tissues and cells or a dual system of private and public collectors/suppliers;

M. whereas the procurement of human tissues and cells shall be carried out by persons who have successfully completed a training programme specified by a clinical team specialising in the tissues and cells to be procured or a tissue establishment authorised for procurement;

N. whereas the removal of tissues and cells for the benefit of recipients may only be carried out under two conditions: it must be done with a medical or scientific and therapeutic aim, and all the elements removed must be donated without any payment being made;

O. whereas the removal of tissue and cells must be subject to the following principles: anonymity (except in the case of removal from a living person for a relative), non-remuneration, consent, the obligation to share organs for transplant fairly among patients, and safeguarding the health of donors and recipients;

P. whereas tissues and cells may only be removed if the donor has given prior free and informed consent to it in writing; whereas this consent may be withdrawn at any time, and with no particular requirement as to format;

Q. whereas the use of tissues and cells for application in the human body carries a risk of transmission of disease to recipients; whereas that risk can be reduced by careful donor selection, an evaluation of potential donors prior to procurement based on a risk/benefit analysis, testing and monitoring of each donation and the application of procedures to procure tissues and cells in accordance with rules and processes established and updated according to the best available scientific advice;

R. whereas the donation of some tissues and cells creates a severe risk for the donor; and whereas this risk is particularly high in egg cell donation because of the hormone treatment which is necessary to prepare for the donation;

S. whereas the EU Charter of Fundamental Rights, which is the EU's leading principle and has been legally binding since the entry into force of the Lisbon Treaty, prohibits making the human body and its parts as such a source of financial gain;

T. whereas it would be desirable for all Member States to have binding rules to enforce that ethical principle, including by means of criminal law;

U. whereas, however, doubts remain concerning the compatibility with this ethical principle of certain kinds of compensation provided in connection with donations, particularly when such compensation is provided to the relatives of deceased donors;

V. whereas unpaid donation is not only an ethical principle but also necessary to protect the health of the donor and the recipient, as the involvement of large sums of money in the donation process may encourage the donor to take risks and may hinder the disclosure of risks in his/her medical history;

W. whereas there is ample evidence to show that allogeneic cord blood transplantation is already successful for many patients, and whereas there are also credible reports that in some cases autologous treatment with these kinds of cells can be successful;

X. whereas reports from reputable media sources suggest that in the area of tissues and cells the principle of unpaid donation is being violated time and again;

Y. whereas the capacity to trace cells and tissues from the donor to recipients and vice versa and long-term follow-up of living donors and recipients of cells and tissues are central elements of safety and quality management;

1. Welcomes the presentation of the Second Report on Voluntary and Unpaid Donation of Tissues and Cells, which shows that much is being done in the Member States to implement the principle of unpaid donation, but also that there is a lot still to do;

2. Notes with concern that half of Member States state that they regularly face a lack of human tissues and cells, particularly spinal marrow, gametes and tissues such as corneas and skin; believes that the policies and laws in force should therefore be reviewed, as they are not adequate to meet the challenge of self-sufficiency in the European Union;

Non-remuneration, consent and safeguarding health

3. Stresses that donation should be voluntary, unpaid and anonymous (except in the case of procurement from a living person for a relative), governed by protective legal and ethical rules which respect the integrity of the person;

4. Calls on Member States to adopt protective measures for living donors and to guarantee that donation is anonymous (except in the case of procurement from a living person for a relative), voluntary, freely agreed to, informed and not remunerated;

5. Asks the Commission to carefully monitor developments in the Member States, to examine carefully any reports from civil society or in the media about violation of the principle of unpaid donation, and to take appropriate action, including, if necessary, infringement proceedings;

6. Believes that it is vital for all Member States to clearly define the conditions under which fair and proportionate financial compensation may be granted, bearing in mind that compensation is strictly limited to conditions making good the expenses incurred in donating tissues and cells, such as travel expenses, loss of earnings or medical costs related to the medical procedure and possible side effects, thereby prohibiting any financial incentives and avoiding disadvantages for a potential donor; such compensations must be transparent and regularly audited;

7. Calls on the Commission to report on current national practices and criteria for compensation of living donors, especially as regards egg cell donation;

8. Calls on the Member States to ensure that any compensation provided to donors is compatible with ethical principles; advises that particular attention should be paid to this issue where the compensation is given not to the donor, but to the donor's family after death;

9. Calls on Member States to ensure that living donors are selected on the basis of an evaluation of their health and medical history, including a psychological evaluation if deemed necessary, based on a risk-benefit analysis, by qualified and trained professionals;

10. Calls on Member States to take measures to protect minors and adults under guardianship with regard to the removal of tissues and cells;

Anonymity, traceability, transparency and information

11. Stresses that the principles of transparency and safety are key to achieving a high level of public support for donation; encourages Member States to work towards creating a transparent donation system which is safe for donors and recipients;

12. Calls on all Member States to set up rules for ensuring the traceability of tissues and cells of human origin from donor to patient and vice versa, as well as a system for the regulation of imports of human tissues and cells from third countries, ensuring that equivalent standards of quality and safety will apply;

13. Calls on Member States to step up their public information and awareness-raising campaigns to promote the donation of tissues and cells and to ensure the provision of medical information that is clear, fair, scientifically based and conclusive and of data enabling the public to make informed choices; stresses that donors should be fully informed of the procedures used in this process and their moral, psychological, medical and social consequences;

14. Calls on Member States to take coordinated actions to prevent the development of a black market in gametes on the Internet, as such a market risks both undermining the quality and safety of tissues and cells and raises legal, ethical and public health problems;

Exchanging best practice and reinforcing European and international cooperation

15. Calls on Member States to step up exchanges of good practices, particularly with regard to the supply of tissues and cells, the protection of the quality of tissues and cells while they are being transported, raising awareness of donating and training health staff;

16. Expects all Member States to establish public tissue and cell banks;

17. Calls for European standards and requirements for private tissue and cell banks;

18. Considers that, in order to pursue the ethical imperative of ensuring adequate supply, the Commission and the Member States should consider the possibility of setting up a Europe-wide database of donors and potential recipients in order to manage supply in the general interest and avoid shortages where possible;

19. Considers that the role of bilateral agreements is extremely important in supporting countries which experience shortages in tissues and cells or have no domestic donor matches and in ensuring that information on tissues and cells flows more freely between states;

20. Particularly applauds, in the European context, the role in this field of Eurocet, which has played a crucial role in acting as the central European database for the collection of data on tissue and cell donation and transplantation activities; calls on Member State authorities to reinforce their collaboration with Eurocet in order to agree further common standards in the donation of cells and tissues and thereby enable healthcare professionals to improve the matches offered to European citizens;

21. Calls on Member States to explore all possible opportunities for wider international cooperation in this field, in particular with regard to the potential uses of haematopoietic stem cells;

Cord blood and stem cells

22. Recognises the significant scientific advances made in the cord blood field, which is a very promising therapeutic alternative in the treatment of many diseases, including children's illnesses;

23. Points out that currently, clinical trials using umbilical cord blood stem cells for treatments linked to non-haematological diseases are mostly taking place outside the EU; calls therefore on the Commission and Member States to take appropriate measures to establish a regulatory framework which could stimulate increased availability of umbilical cord blood stem cells;

24. Regrets that at present, stem cells from umbilical cord blood are only stored at 1 % of total births in the EU; underlines, consequently, the importance of mothers donating cord blood and tissue at birth into banks which adhere to common operational and ethical standards in order to help treat illnesses and further research in the field; stresses moreover that traceability must be one of the conditions required for the authorisation of these banks at national or European level; emphasises that the allocation process through such banks must be fair, equitable, non-discriminatory and transparent;

25. Points out that public cell banks must take the necessary steps to protect data confidentiality in order to reconcile the traceability requirement with the need to protect donors' rights, such as medical confidentiality and privacy;

26. Takes the view that donations of non-family allogeneic umbilical cord blood — regardless of whether the bank is public or private — should be further developed, so that stored units of umbilical cord blood are registered in the Bone Marrow Donors Worldwide (BMDW) database and made available to any compatible patient who needs them;

27. Points out that this donation must be subject to consent from the mother that is free, informed and given in writing, and that this consent may be withdrawn at any time prior to the donation, with no particular requirement as to format;

28. Calls on Member States to raise awareness of public cord blood banking through information campaigns that may take place, for example, during antenatal classes, and proposes that in compliance with the provisions of the Charter of Fundamental Rights of the European Union;

29. Considers that men and women should be informed about all existing options related to cord blood donation at birth e.g.: public or private storage, donation for autologous or heterologous purposes or for research; considers that comprehensive, objective and accurate information should be provided about the advantages and disadvantages of cord blood banks;

30. Calls on Member States to improve, at the same time, the protection of parents' rights to informed consent and freedom of choice regarding cord blood stem cell preservation practices;

31. Proposes that Member States consider adopting and enforcing operational and ethical standards for public and private cord blood banks that uphold the principle of non-commercialisation of the human body and its parts, for example, and ensure traceability;

32. Expects all Member States to establish at least one public stem cell bank;

33. Calls for the opinion issued by the European Group on Ethics in Science and New Technologies in 2004 on "Ethical Aspects of Umbilical Cord Blood Banking" (Opinion No 19) to be updated in the light of developments in cord blood stem cell preservation and ongoing clinical trials on the use of umbilical cord blood stem cells;

34. Calls on Member States to provide a territorial network of maternity centres authorised to carry out this procurement to guarantee cord blood supply in all population centres;

35. Calls for that all banks that respect the EU operational standards for collection and storage of cord blood to be consulted by national authorities when defining and implementing national information campaign strategies for parents;

36. Calls for European standards and requirements for private stem cell banks;

37. Notes that collaboration models and opportunities between public and private sectors already exist in some Member States, and encourages public and private cord blood banks to collaborate closely in order to increase the availability and exchange of national, European and international cord blood and tissue samples; calls on Member States to appropriately regulate both public and private banks to guarantee the fullest transparency and safety of cord blood, underlining that banks need to ensure working practices which are open and robust in their information sharing, in order to provide maximum benefit for the patient;

38. Highlights the development of non-intrusive procedures of harvesting stem cells using peripheral blood stem cell collection (PBSC);

39. Takes the view that Member States ought to consider increasing the number of donors of bone marrow and peripheral blood stem cells, improving their registries of bone marrow donors so that, with the collaboration of other countries' national registries through the BMDW, any patient in need of a stem cell transplant has the best chance of finding a compatible donor;

40. Calls on Member States to develop programmes which encourage minority ethnic backgrounds to donate tissues and cells to public banks in order to address the shortages of successful donor matches in this group;

41. Emphasises that it is for the Member States to decide whether to allow, prohibit or regulate research with human embryonic stem cells and in vitro fertilisation but that Member States in this respect need to respect the rules set out in Directive 2004/23/EC, including those on quality and safety and those relating to the principle of unpaid donation; points out that the European Union has limited competence in this area and, when applying this competence, needs to respect the principles of the EU Charter of Fundamental Rights and the principles applied in the judgments of the Court of Justice of the European Union;

42. Calls on the Commission to propose, as soon as possible, a revision of Directive 2004/23/EC in order to bring it into line with the principles governing organ donation laid down in Directive 2010/45/EU, and to take into account the new legal situation after the entry into force of the Lisbon Treaty, scientific developments, the practical experience of those involved in the sector and the recommendations of this report;

43. Also calls on the Commission to propose a revision of Regulation (EC) No 1394/2007 in order to include a provision that guarantees the application of the principle of unpaid donation similar to that referred to in Directive 2010/45/EU and to take into account the problems that have occurred in respect of the implementation of the regulation, especially for SMEs;

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

Role of women in the green economy

P7_TA(2012)0321

European Parliament resolution of 11 September 2012 on the role of women in the green economy (2012/2035(INI))

(2013/C 353 E/05)

The European Parliament,

— having regard to Articles 2 and 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 Commission communication of 20 June 2011 entitled 'Rio+20: towards the green economy and better governance' (COM(2011)0363),

— having regard to the Commission communication of 8 March 2011 entitled 'A Roadmap for moving to a competitive low carbon economy in 2050' (COM(2011)0112),

— having regard to the Commission staff working paper 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 Fourth World Conference on Women held in Beijing in September 1995, the Declaration and the Platform for Action adopted in Beijing and the subsequent outcome documents of the United Nations Beijing +5, +10 and +15 Special Sessions on further actions and initiatives to implement the Beijing Declaration and the Platform for Action adopted respectively on 9 June 2000, 11 March 2005 and 2 March 2010,

— having regard to the United Nations Convention of 18 December 1979 on the Elimination of All Forms of Discrimination against Women (CEDAW),

— having regard to the report of the European Institute for Gender Equality of 2012 entitled 'Review of the Implementation in the EU of area K of the Beijing Platform for Action: Women and the Environment Gender Equality and Climate Change',

— having regard to the joint publication of the United Nations Environment Programme (UNEP), the United Nations Conference on Trade and Development (UNCTAD) and the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (UN-OHRLLS) of the report 'Why a Green Economy Matters for the Least Developed Countries' ([1]), prepared for the LDC-IV Conference in May 2011,

— having regard to the UNEP report of September 2008 entitled 'Green Jobs: Towards Decent Work in a Sustainable, Low-Carbon World' ([2]),

— having regard to the UN Women report of 1 November 2011 entitled 'The Centrality of Gender Equality and the Empowerment of Women for Sustainable Development' ([3]), prepared in anticipation of the outcome document of the United Nations Conference on Sustainable Development (Rio+20) to be held in 2012,

— having regard to the Women's Major Group Rio+20 Position Statement Summary of 1 November 2011 ([4]),

— having regard to the Women's Major Group position paper of March 2011 in preparation for the United Nations Conference on Sustainable Development 2012 entitled 'A Gender Perspective on the 'Green Economy' ' ([5])

— having regard to the publication of the official government report (Stockholm, Sweden) of 2005 entitled 'Bilen, Biffen, Bostaden: Hållbara laster – smartare konsumtion' ([6]),

— having regard to its resolution of 20 April 2012 on women and climate change ([7]),

([1]) http://unctad.org/en/Docs/unep_unctad_un-ohrlls_en.pdf
([2]) http://www.unep.org/labour_environment/features/greenjobs-report.asp.
([3]) http://www.unwomen.org/wp-content/uploads/2011/11/Rio+20-UN-Women-Contribution-to-the-Outcome-Document.pdf.
([4]) http://www.womenrio20.org/Women's_MG_Rio+20_Summary.pdf.
([5]) http://www.wecf.eu/download/2011/March/greeneconomyMARCH6docx.pdf.
([6]) http://www.regeringen.se/content/1/c6/04/59/80/4edc363a.pdf.
([7]) Texts adopted, P7_TA(2012)0145.

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— having regard to its resolution of 13 March 2012 on women in political decision-making – quality and equality ([1]),

— having regard to its resolution of 13 March 2012 on equality between women and men in the European Union – 2011 ([2]),

— 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) ([3]),

— having regard to its resolution of 7 September 2010 on developing the job potential of a new sustainable economy, ([4])

— having regard to its resolution of 17 June 2010 on gender aspects of the economic downturn and financial crisis, ([5])

— having regard to Rule 48 of its Rules of Procedure,

— having regard to the report of the Committee on Women's Rights and Gender Equality (A7-0235/2012),

A. whereas a green economy is defined as a sustainable economy, which means social and ecological sustainability; whereas social sustainability involves a social order permeated by gender and social equality regardless of gender, ethnicity, colour, religion, sexual orientation, disability or political opinion;

B. whereas climate change and the loss of biodiversity threaten women's and men's living conditions, welfare and wellbeing; whereas the preservation of our ecosystem is therefore a cornerstone of a green economy; whereas today's generation cannot leave the responsibility of solving today's environmental problems to future generations; whereas ecological sustainability involves using, conserving and enhancing the community's resources so that ecological processes on which life depends are maintained and the total quality of life, now and in the future, can be increased;

C. whereas due to gender roles, women do not affect the environment in the same way as men, and in many countries women's access to resources, and their opportunities to manage conditions and adapt, are curtailed by structural norms and discrimination;

D. whereas environmental policies impact directly on the health and the socio-economic status of individuals, and whereas gender inequality, combined with lack of sensitivity to women's different economic and social status and needs, means that women often tend to suffer disproportionately from environmental degradation and inadequate policies in this area;

E. whereas the role of women in the green economy in several Member States continues to be underestimated and ignored, creating numerous discriminations in terms of lost benefits, such as social protection, healthcare insurance, adequate salaries and pension rights;

([1]) Texts adopted, P7_TA(2012)0070.
([2]) Texts adopted, P7_TA(2012)0069.
([3]) Texts adopted, P7_TA(2011)0430.
([4]) OJ C 308 E, 20.10.2011, p. 6.
([5]) OJ C 236 E, 12.8.2011, p. 79.

F. whereas it is the poorest people, an estimated 70 % of whom are women, who will be hardest hit by climate change and the destruction of the ecosystem;

G. whereas the transition to a green and sustainable economy is essential to reducing environmental impact, improving social justice and creating a society in which women and men enjoy equal rights and opportunities;

H. whereas the transition to a green economy often raises particular issues regarding the integration of women in the market for green jobs, as women often lack the adequate technical training required to undertake specialist roles in the green economy;

I. whereas women are clearly under-represented in environmental negotiations, budget deliberations and decisions on achieving a green economy;

J. whereas consumption and lifestyle patterns have a significant impact on the environment and climate; whereas the rich world's consumption patterns, e.g. food and transport, are unsustainable in the long term, especially given that all men and women on earth are entitled to live a good life with proper wellbeing;

K. whereas consumption patterns generally differ between women and men; whereas women consume less in comparison to men, regardless of socioeconomic status, but also seem to show a greater willingness to act to preserve the environment through consumer choices, such as eating less meat, driving less and being more energy efficient;

L. whereas women, in consequence of the current gender power structure, do not have the same control over, or access to, transport systems as men; whereas in order to improve women's transport opportunities, it is necessary to introduce more efficient means of public transport, more walking and cycling routes and shorter distances to services, and to develop and enhance knowledge and innovation of environmentally friendly means of transportation;

M. whereas women are particularly vulnerable to the effects of environmental hazards and climate change due to their lower socio-economic status relative to men, their traditionally disproportionate share of domestic responsibilities and the danger they face of being exposed to violence in situations of conflict created or exacerbated by scarcity of natural resources;

N. whereas women must participate fully in the policy formulation, decision-making and implementation of a green economy; whereas women's participation has resulted in improved emergency response, increased biodiversity, increased food safety, reduced desertification and increased forestry protection;

O. whereas there is a lack of comprehensive and comparable data on the impact of a green economy on the labour market;

General considerations

1. Supports the need to move society towards a green economy in which ecological considerations go hand in hand with social sustainability, e.g. greater equality and greater social justice;

2. Notes that specific and important parts of the green economy affect the ecosystem, consumption, food, growth, transport, energy and the welfare sector;

3. Regrets that the Commission's communication to EU institutions and committees regarding 'Rio+20: towards a green economy and better control' lacks a gender perspective;

4. Calls on the Commission and the Member States to compile age- and gender-disaggregated data when strategies, programmes and budgeting projects are being planned, implemented and evaluated for the environment and climate sectors: without statistics, the options for implementing relevant measures to improve equality are reduced;

5. Regrets that gender concerns and perspectives are not well integrated in policies and programmes for sustainable development; recalls that the absence of gender perspectives from environmental policies increases gender inequality, and calls on the Commission and Member States to establish gender mainstreaming mechanisms at international, national and regional levels in environmental policies;

6. Calls on the Commission to initiate research on gender and the green economy, as well as on women's contribution to the development of green innovations, services and products;

7. Calls on the Commission and the Member States to support and promote specific research and studies on how the conversion into a green economy will affect women and men in different sectors, and on women's essential role in facilitating the transition; calls on the Commission and the Member States to integrate a gender perspective in environmental protection and environmental impact assessment studies;

8. Recognises the urgent need for an international agreement regarding a common definition of the green economy, based on the pillars of both social and ecological sustainability; emphasises the significant role that civil society – especially social movements, environmental organisations and women's rights organisations – have to play in defining the aims and objectives of the green economy;

9. Calls on the Commission to systematically include a gender-equality perspective in the definition, implementation and monitoring of environmental policies at all levels, including in local and regional development and in research activities; calls on the Commission to use and support the promotion of gender mainstreaming as an instrument for good governance;

10. Calls on the Commission to promote gender equality as a key issue when designing, and conducting negotiations on, future regulations and programmes for the EU structural funds (the European Social Fund (ESF) and the European Regional Development Fund (ERDF)) and the Common Agricultural Policy, especially in the framework of measures related to the transformation towards a green economy;

11. Observes that renewable energy can be used in remote and isolated areas where there is no electricity, and that it contributes to the production of non-polluting energy; encourages, therefore, the Member States to develop facilities to exploit renewable and environmentally friendly energy through the use of the ERDF and the ESF; encourages, furthermore, more innovation, and more participation of both women and men, in the development of, for example, renewable and environmentally friendly energy and architecture;

12. Calls on the Commission to raise, in its information campaigns, awareness about the importance of converting to a green economy and about the positive effects of gender-sensitive environmental policies;

Sustainable consumption

13. Calls on the Commission and the Member States to introduce gender equality into all environmental policy areas, and at all levels of economic decision-making; these targets should be compiled in consultation with civil society;

14. Urges the Commission and Member States to start applying a new, social and climate-friendly indicator on growth, which includes non-economic aspects of wellbeing and sets its primary focus on issues related to sustainable development such as gender equality, poverty reduction and lower greenhouse gas emissions;

15. Notes that work to meet people's legitimate demands for housing, food, provisions, energy and jobs must always be carried out so that ecosystems are conserved and climate change is limited, while the earth's resources are used in a manner consistent with human rights, leading to greater equality and allocation based on the principles of environmental equality;

16. Stresses the importance of ensuring that children and grandchildren enjoy good living conditions and that economic development meets current needs without compromising future generations;

17. Emphasises that GDP is a measurement of production and does not measure environmental sustainability, resource efficiency, social inclusion or social development in general; calls for the development of clear and measurable indicators that take account of climate change, biodiversity, resource efficiency and social equality;

18. Calls on the Member States to implement fiscal measures which lead towards a green economy, partly by putting a price on environmental impact and partly by investing funds to stimulate green innovations and sustainable infrastructural systems;

19. Believes that EU public funds should be used, to a much higher degree, for sustainable collective uses;

20. Calls for conditions to be imposed such that EU subsidies are limited to activities that benefit the environment and favour social sustainability;

Sustainable transport

21. Calls on the Commission and the Member States to create sustainable transport systems which take equal account of women's and men's transportation needs and which, at the same time, have a low impact on the environment;

22. Calls on the Commission to focus its research financing, a vital lever, on projects to develop innovative and sustainable transport solutions;

23. Calls on the Member States to reduce the environmental and energy impacts of the transport sector and to improve equality by working to increase access to IT systems and traffic-efficient planning;

24. Calls on the Commission and the Member States to introduce a transport hierarchy that clearly indicates which mode of transport should be prioritised for overall environmental and traffic targets to be achieved;

25. Calls for statistical data to be compiled prior to the development of any transport hierarchy, in order to measure the environmental impact of public and private methods of transport in the full range of differing local contexts, and calls on the public authorities concerned to set examples in this effort;

26. Calls on the Member States to integrate the impact of the use of transport by public authorities in the state audits carried out by respective auditing authorities;

27. Calls on the Member States to promote remote working by means of social and tax incentives, and by providing a protective legal framework for workers;

28. Calls on Member States to significantly strengthen local public transport by increasing the quantity and quality of transport services, by improving the safety, comfort and physical accessibility of transportation modes and facilities, and by providing integrated and additional systems of transport, including to small towns and rural areas, thus strengthen the ability to travel for women, disabled and the elderly, allowing for their greater social inclusion and enhancing their living conditions;

29. Stresses that investment in sustainable transport systems must take into account the fact that women's and men's perception of public spaces is different and is based on different risk assessments, which means that safe environments in the transport system must be prioritised for both women and men;

The welfare sector and green jobs

30. Notes that green jobs in areas such as agriculture, energy, transport, utilities, research, technology, IT, construction and waste are of great importance in the green economy;

31. Calls on the Member States to promote women's entrepreneurship in the green economy by facilitating women's access to it, through the dissemination of data and training workshops and by creating measures to help women achieve a balance between their working and private lives; calls on the Member States to encourage women's entrepreneurship in the development of environmental protection and environmentally friendly technologies, e.g., in sectors such as renewable energy, agriculture and tourism, and in the development of green innovations, especially within the service sector; notes that renewable energy can create new job opportunities for women entrepreneurs in areas where female unemployment is particularly high;

32. Calls on the Member States to ensure that women enjoy appropriate working conditions, have access to a decent standard of health care, education and habitation, and participate with a strong voice in social dialogues to facilitate the transition to the new green jobs;

33. Notes that a sustainable economy means that it is "green for all", creating decent work and sustainable communities and allowing for a fairer distribution of wealth;

34. Notes that it is not only green jobs but all work with a low environmental impact that is important in a green economy; notes that while such work can be found in the private sector, it also found in the welfare sector, e.g., in schools and care services;

35. Calls on the Member States to ensure that women are equally represented in political decision-making bodies as well as in government-appointed bodies and institutions dealing with defining, planning and implementing environmental, energy and green jobs policies, so as to include the gender perspective; calls on the Member States to appoint more women in management roles and company boards within the green jobs sector; stresses that if it is not possible to achieve this through voluntary means, targeted initiatives, such as the establishment of quotas or other methods, must be used to strengthen equality and democracy;

36. Points out that the ecological conversion of the economy, and the transition to a low-carbon economy, will create a huge demand for skilled workers; refers to the fact that female workers are strongly under-represented in the renewable sector and especially in science- and technology-intensive jobs; stresses, therefore, that it is especially important that the Member States develop action plans to encourage more women to choose courses and careers within fields such as engineering, natural sciences, IT and other areas of advanced technology, as these will be the focus of many green jobs in the future;

37. Calls on the Member States to use and develop ways to encourage women to choose courses and careers in the environmental, transport and energy sectors whilst determinedly fighting stereotypes that favour careers in natural and applied sciences for men;

38. Notes the need to support and encourage women's access to microcredit for small businesses;

39. Calls on Member States to use and develop methods to encourage men to choose courses and careers with a low environmental impact in the welfare sector;

40. Invites the Member States to develop training courses, through EU programmes such as the ERDF and the ESF, designed to facilitate women's access to new 'green' jobs, and emerging technologies with a low environmental impact, in both the private and public sectors; calls on the Member States to ensure that female workers are included more in training projects and programmes on ecological transformation, i.e., in the renewable sector and in science- and technology-intensive jobs, and to focus on giving women, through education and training, the competences and qualifications they need in order to compete with men on an equal basis for employment and individual career development; observes that men have easier access to the advanced agricultural production means and the business technologies needed to gain high-skill positions in the green economy;

41. Notes that in order for women to participate in the green economy on the same terms as men, more centres for the care of children and the elderly are needed, both women and men must be able to reconcile family and working life, and women's sexual and reproductive rights must be ensured; points out that policies and regulations should strive to provide support for social security, family planning and child care, since women will only be able to bring in their expertise, and contribute their equal share to prospering green economies, in a society that satisfies these requirements;

42. Points out that the greening of the economy has come to be regarded as a means of stimulating economic development, particularly in the context of the economic crisis and the EU 2020 Strategy; calls on the Commission and the Member States to support efforts to "green" the economy by encouraging investments and programmes which promote green innovations and green jobs and that are targeted at those who need them the most; insists that a gender perspective is crucial if exacerbating inequalities are to be avoided;

43. Calls on the Commission and the Member States to collect and analyse gender-disaggregated data on the distribution of financial resources in correlation to gender-divided sectors and green innovations, and to develop indicators in order to measure the potential, disaggregated effects of a green economy on territorial and social cohesion; calls on the Commission and the Member States to develop strategic direction and a set of instruments for responding effectively to possible changes in employment levels and in the structure of the labour market;

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Sustainable policies in international relations

44. Expects that the transition to broader and more sustainable economic indicators, including in development policy, will lead to more emphasis being placed on social and environmental objectives for developing countries, and that specific policies and regulations will secure women's property rights and control over natural resources; stresses that there is a need to promote women's access to such services and new technologies as are needed to manage and operate energy and water schemes, business enterprises and agricultural production; stresses that there is a need for women to engage more in business and in organisational leadership;

45. Calls on the Commission to fully recognise and address the multiple effects of environmental degradation on inequalities, in particular between women and men, and to ensure the promotion of women's equal rights in the elaboration of new policy proposals in the field of climate change and environmental sustainability;

46. Calls on the Commission and the Member States to develop indicators to assess the gender-specific impact of projects and programmes, and to facilitate a gender and equality perspective in environmental strategies for achieving a green economy;

47. Calls on the Commission to be particularly aware that access to clean water is of major importance to girls and women in many parts of the world, as it is often their responsibility to fetch and carry water home; stresses that it is also important to retain female indigenous knowledge of local ecosystems;

48. Calls on the Commission to pay particular attention to the fact that in many developing countries, the opportunities for women to pursue careers in a green economy are still severely limited as a result of social conditioning and patriarchal patterns, and that women fail to gain access to the information, training and technologies needed to access this sector;

49. Calls on the Commission to be particularly aware that billions of people are totally dependent on biomass for energy, and that children and women suffer from health problems because they collect, process and use biomass; stresses that investments are therefore needed in renewable and more efficient energy sources;

50. Calls for in-depth impact analyses, from a climate, gender and sustainability perspective, of the outcome of multilateral and bilateral trade agreements negotiated between the EU and third countries, and urges the Commission to authorise explicit support for the management of climate change as part of all aid-for-trade and other relevant development aid;

51. Calls on the Commission to develop programmes for the transfer of modern technology and expertise to help developing countries and regions adapt to environmental changes;

52. Stresses that gender inequalities in relation to access to resources, such as microloans, credit, information and technology, should be taken into account when defining strategies to combat climate change;

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

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Women's working conditions in the service sector

P7_TA(2012)0322

European Parliament resolution of 11 September 2012 on women's working conditions in the service sector (2012/2046(INI))

(2013/C 353 E/06)

The European Parliament,

— having regard to Articles 2 and 3(3), second subparagraph, of the Treaty on European Union (TEU) and to Articles 8, 153(1), indent (i), and 157 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 Commission communication of 18 April 2012 entitled 'Towards a job-rich recovery' (COM(2012)0173) and the accompanying document on exploiting the employment potential of the personal and household services (SWD(2012)0095),

— having regard to the Commission proposal of 6 October 2011 for a regulation of the European Parliament and of the Council on a European Union Programme for Social Change and Innovation (COM(2011)0609),

— having regard to the European Pact for Gender Equality (2011-2020), adopted by the European Council in March 2011 ([1]),

— having regard to the Commission's 2011 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 proposal for a Council decision on 'guidelines for the employment policies of the Member States – Part II of the Europe 2020 Integrated Guidelines' (COM(2010)0193),

— having regard to the Council Conclusions of 8 June 2009 on Flexicurity in times of crisis,

— having regard to Directive 2006/123/EC of 12 December 2006 on services in the internal market ([2]),

— having regard to Directive 2006/54/EC of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) ([3]),

([1]) Annex to Council Conclusions of 7 March 2011.
([2]) OJ L 376, 27.12.2006, p. 36.
([3]) OJ L 204, 26.7.2006, p. 23.

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— having regard 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 [1],

— having regard to the 2008 report by the European Foundation for the Improvement of Living and Working Conditions entitled 'Working in Europe: Gender differences',

— having regard to the 2007 report by the European Foundation for the Improvement of Living and Working Conditions entitled 'Working conditions in the European Union: The gender perspective',

— having regard to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 18 December 1979,

— having regard to its resolution of 13 March 2012 on 'equality between women and men in the European Union – 2011' [2],

— having regard to its resolution of 8 March 2011 on the face of female poverty in the European Union [3],

— having regard to its resolution of 19 October 2010 on precarious women workers [4],

— 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 and the opinion of the Committee on Employment and Social Affairs (A7-0246/2012),

A. whereas many countries have undergone a tertiarisation of their economy, meaning that the service sector now accounts for the majority of jobs and is the largest contributor to GDP in the countries concerned, representing more than 70 % of economic activity in the European Union and a similar and growing percentage of total employment, and whereas in the EU in 2010 employment in the service sector accounted, on average, for almost 70 % of total employment, while employment in industry accounted for 25,4 % and employment in agriculture for 5,2 %;

B. whereas currently nine out of ten jobs are created in the service sector and studies indicate that further enhancement of the single market for services could help to unlock considerable potential for employment – jobs which the EU urgently needs in this time of crisis;

C. whereas the employment rate for women is 62,1 %, compared with 75,1 % for men, which means that the Europe 2020 strategy's primary goal of attaining 75 % employment by 2020 can be achieved only if more women have access to the labour market;

D. whereas most of the female workforce is employed in the service sector, and whereas in the EU in 2010 this proportion averaged 83,1 %, compared with 58,1 % of the male workforce;

[1] OJ L 373, 21.12.2004, p. 37.
[2] Texts adopted, P7_TA(2012)0069.
[3] OJ C 199 E, 7.7.2012, p. 77.
[4] OJ C 70 E, 8.3.2012, p. 1.

E. whereas women tend to be disproportionately represented in the flexible and part-time employment market because of gender stereotypes in our society which depict women's primary responsibility as being the family carer, and whereas they are therefore deemed to be more suited than men to working on a temporary, casual or part-time basis or to working from home; whereas flexible working time arrangements, including teleworking and part-time or home-office work, are still largely considered as a 'female' way of organising working time;

F. whereas the service sector offers many opportunities for flexible employment contracts – flexitime, part-time and short-term contracts – which can help both male and female caregivers, where they have the ability to choose, to combine work and caregiving; whereas women are more likely to turn to flexible or part-time employment in order to reconcile professional and family obligations, even where there is a pay difference in terms of hourly rate between part-time and full-time workers; and whereas women have more career breaks and amass fewer working hours than men, which can affect their career development and prospects for social promotion, and thus also results in a less remunerative career;

G. whereas precarious work is a persistent feature of the European Union's labour market, and whereas women are more affected by such precarity, are discriminated against in terms of pay and are more involved in part-time work, and are therefore paid less than men, enjoy less social protection, are more restricted in terms of career progression and have less chance of economic independence, which encourages them to return to the private sphere, with a subsequent setback in the sharing of responsibilities; whereas women represent a great proportion of workers in undeclared employment, who are engaged mainly in domestic and care work;

H. whereas, at all levels of training, a higher percentage of men have jobs than women, even though the latter may be as or better qualified than men, but whereas their skills are often less well-regarded and their career advances slower;

I. whereas women make up around 60 % of university graduates, yet their representation in senior official and decision-making positions in the service sector is disproportionately low;

J. whereas women are over-represented in the lowest-ranked jobs and positions in the service sector in terms of qualifications, pay, remuneration and prestige and women therefore face greater job insecurity and are paid less than men;

K. whereas women's contribution to the labour force is usually underestimated by employers, since they are more likely to interrupt their careers in order to bear and raise children;

L. whereas better opportunities for women in professional life have to be seen as an asset and an investment for society as a whole, especially in the context of the current demographic changes and challenges in Europe;

M. whereas women face greater difficulties in balancing work and family life, as the responsibilities associated with family life are not always equally shared and care of dependent family members falls mainly to women, and whereas creating a balance between work and family life will thus help to unlock substantial employment potential for women and facilitate better matching of women to available jobs in the service sector and all other occupational sectors, thereby boosting economic growth, employment and innovation; whereas, in this connection, government policies that provide care services for children and dependants are an important factor in the ability of women and men to manage the different demands arising from workplace and caregiving activities;

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N. whereas traditional gender roles and stereotypes continue to have a strong influence on the division of roles between women and men at home, in the workplace and in society at large, and tend to perpetuate the status quo of inherited obstacles to achieving gender equality and to limit women's range of employment choices and personal development in the service sector, impeding them from realising their full potential as individuals and economic actors;

O. whereas domestic, marital, economic and sexual violence against women is an infringement of human rights that affects all social, cultural and economic strata;

P. whereas women's economic independence is a condition sine qua non for them to take charge of their personal and professional trajectories and to be given real choice;

Q. whereas there are continuing inequalities between men and women in access to and use of new technologies and the internet, which often lead to a skills gap and even to 'digital illiteracy', a phenomenon widely known as the 'gender digital divide';

R. whereas the difference in pay between men and women for the same work or work of equal value is at one of the highest levels in the service sector;

1. Stresses that there is a strong horizontal segregation or gender-specific division of labour in the service sector: almost half the women in employment are concentrated in 10 of the 130 occupations listed in the International Standard Classification of Occupations drawn up by the International Labour Organisation (ILO): shop salespersons and sales demonstrators, domestic and related helpers, cleaners and launderers, personal care and related workers, office clerks, administration associate professionals, housekeeping and restaurant services workers, secretaries and keyboard operators, general managers, finance and sales associate professionals and nursing and midwifery associate professionals;

2. Invites the Commission to fight this gender divide by means of campaigns promoting the aforementioned occupations;

3. Underlines the importance of reducing occupational segregation in order to bridge the gender wage gap, which is often worse for women employed in female-dominated jobs than for women holding the same qualifications but employed in other sectors;

4. Points out that there is also a concentration of women working in the public sector, where 25 % of the active female population can be found, compared with only 17 % of the active male population; highlights the fact that in this sector women are more vulnerable to loss of employment on account of budget cuts; points out that, in order to achieve the target of 75 % employment for women and men, set out in Europe 2020 (the EU's growth strategy), efforts are needed to get more women working in both the public and private sectors; notes that in a large number of Member States there are considerably more female doctors than male doctors;

5. Calls upon Member States to ensure that the public sector, which is characterised by transparent and clear recruitment criteria and terms of promotion, displays an exemplary attitude regarding equal access to employment in the public service and especially to management positions; stresses the need to introduce transparent rules for the selection and recruitment of employees in the private sector;

6. Calls on the Commission and the Member States to take concrete measures towards a further deepening of the market for services in order to develop its significant jobs potential;

7. Stresses the importance of combating stereotypes and gender-based discrimination by adopting active policies that can reduce the real disadvantages affecting women in the service sector, where there is an assumption that there are male and female jobs, and that the latter are associated with the work women do at home and are considered as an extension of these (clothing and textiles, teaching, nursing, cleaning, etc.); calls for educational and professional counselling to play a greater role at school, for equality between men and women to be promoted among young people and for the fight against stereotypes to steer young women towards qualifications and professions in which they are under-represented; notes that the proportion of men entering the teaching profession is considerably smaller than that of women and stresses the need for more males in the profession;

8. Points out that, among women employed in the service sector, there are more who find employment in the social, care and telecommunications sectors, which tend to require lower qualifications, enjoy little social prestige and correspond to women's traditional roles in society, while men dominate the most prestigious and lucrative sectors: finance and banking;

9. Points out that care policies and services for older people, dependants and children, including maternity, paternity and parental leave provisions, are absolutely fundamental elements to achieving gender equality; notes, therefore, that women and men should have the choice to engage in paid work and to have children and a family, without being deprived of their freedom to make full use of their right to employment and equal opportunities;

10. Draws attention to the fact that part-time employment (19,2 % of total employment in the EU in 2010) is still a predominantly female domain; notes that in the EU in 2010 31,9 % of the female workforce was in part-time employment, compared with just 8,7 % of the male population, meaning that 78 % of part-time work is carried out by women; points out that in the EU as a whole 19 % of women and 7 % of men work 'short' part-time hours (fewer than 20 hours a week) and only 3 % of men aged between 35 and 49 are on 'short' part-time hours, compared with 18 % of women in the same age group; notes also that part-time jobs are found mostly in specific sectors, with more than 38 % of part-time workers, including those on both 'short' and 'substantial' hours (i.e. between 20 and 34 hours a week), being employed in education, health and social services, other services or retail and wholesale;

11. Draws attention to the increasing prevalence of flexible working hours: weekend work, irregular and unpredictable working hours and the extension of the working day, and to the fact that, given that the demand for flexibility is greatest amongst part-time workers, who are mostly women, this means that more women than men have their working hours changed from week to week, making it even harder for women to strike a balance between work and family life, especially single mothers and those caring for dependent family members; stresses that work contracts should be stable and working hours scheduled, but that working hours may be negotiated upon the employee's request in order better to reconcile professional, family and private life; emphasises that flexible working hours should be the worker's decision, and should not be imposed or enforced by the employer; rejects situations of flexibility and contractual uncertainty that do not allow for family formation and stability;

12. Recalls that flexible working arrangements are specific to many jobs in this sector; emphasises that, on the one hand, increased flexibility in working arrangements – provided that it is voluntary and geared to the real needs of workers, and that workers have control over it and clarity as to their working hours and part-time arrangements – increases women's opportunities to participate actively in the service sector and supports the reconciliation of work, family and private life, but that, on the other hand, flexibility can have a negative impact on women's wages and pensions and negative consequences for women in employment, such as a lack of formal contracts, social security and employment security; notes that it can also result in employers failing to ensure adequate occupational health and safety conditions;

13. Stresses the importance of 'home-working', which is becoming increasingly fashionable; points out that more than 90 % of companies in Germany and Sweden are dividing their working week in new ways, judging staff on annual rather than weekly hours and allowing husbands and wives to share jobs;

14. Highlights the importance of ensuring decent working conditions coupled with rights relating to, inter alia, pay, health and safety standards, accessibility, career prospects, further training, sustainable social security and lifelong learning;

15. Notes that in the EU in 2010 the proportion of the female workforce on a fixed-term contract was 14,5 %, which was slightly higher than the proportion for men, at 13 %;

16. Recalls, once more, that women earn on average 16,4 % less than men in the European Union; states that women do not receive the same salary in cases where they hold the same jobs as men or jobs of equal value; notes that in other cases they do not hold the same jobs, owing to the continuing vertical and horizontal occupational segregation and the higher incidence of part-time jobs; calls, therefore, on the Member States, employers and trade union movements to draft and implement serviceable, specific job evaluation tools to help determine work of equal value in order to ensure equal pay for women and men, and encourages companies to undertake annual equal pay audits and publish the data for maximum transparency and to narrow the gender pay gap; points out that the gender pay gap often leads to a retirement pension gap, which may result in women finding themselves below the poverty line;

17. Stresses, therefore, the importance of enforcing the principle of equal pay for women and men in the same workplace, as enshrined in Article 157 of the Treaty of Lisbon; recalls its resolution of 24 May 2012 on equal pay for male and female workers for equal work or work of equal value [1], and reiterates its request therein for a review of Directive 2006/54/EC by 15 February 2013 at the latest;

18. Notes with concern that the vast majority of low salaries, and almost all very low salaries, are for part-time work and that about 80 % of the working poor are women; points out that there is a need for concrete measures to combat precarious employment in the service sector, which particularly affects women, and therefore calls on the Commission and the Member States to develop strategies in order to combat precarious employment;

19. Claims that a fairly widespread yet discriminatory practice is to assign different occupational categories to men and women for the same work or work of equal value: in the case of cleaning services, for example, men are appointed as maintenance technicians whereas women are appointed as cleaning auxiliaries, a situation which is used as a means to justify lower pay for women's work;

20. Notes that a rise in women's level of education is seldom matched by a move up the hierarchy at work or an improvement in their conditions of employment, so much so that over-qualification could be said to exist in the female population;

21. Notes that, in relation to the growing trend towards employing women part-time and employers' preference to invest in employees on permanent employment contracts, women clearly have limited access to a wide range of training and retraining courses, which decreases their opportunities for professional development;

22. Stresses the need for all workers in the service sector, with attention paid to those belonging to the most vulnerable groups, to have access to permanent upskilling programmes and lifelong learning, in order to improve their future labour market opportunities and reduce the mismatch between skills and constantly evolving work duties;

[1] Texts adopted, P7_TA(2012)0225.

23. Notes women's low level of participation in vocational training in the service sector in the context of lifelong learning, and calls on the Member States to take action on the matter;

24. Stresses the need for upskilling in the case of older workers and parents returning to the labour market after time spent caring for children or dependent relatives;

25. Points out that in 2010 only one in seven members of the boards of major European companies were women (13,7 %) and only 3,4 % of the boards of the biggest companies were chaired by a woman;

26. Stresses the importance of working to get more women into the research sector and emphasises that women can play a decisive role in the development of new and innovative systems and new products and services in the service sector, in particular because, although women are responsible for 80 % of the world's purchasing decisions, most products are designed by men, including 90 % of technical products; believes that greater participation by women in innovation processes would open up new markets and increase competitiveness; believes also that innovative services are essential for meeting the challenges of the future, in particular the rising demand for welfare services from an ageing population, and can create better opportunities for people to live and work in cities, towns and rural areas throughout the Union through the provision of good communications and commercial services;

27. Emphasises that, as many women continue to choose training in the service sector and are thus building up their commercial experience and knowledge of the trade, there is ample scope and great potential for female entrepreneurship; believes that, in order for efforts to increase entrepreneurship and enterprise among women to be effective, equivalent conditions to those in the service sector are needed for the production sector; welcomes, in this connection, the proposal to extend microfinance as a specific axis of the Programme for Social Change and Innovation, and highlights the importance of microfinance as an instrument to support female entrepreneurs and persons who are in a vulnerable labour-market position in the service sector, welcomes the Commission communication entitled 'Social Business Initiative' (COM(2011)0682), because women in particular are taking up work in the social business sector;

28. Notes that, in the service sector, women in managerial positions tend to work mainly in sectors such as retail distribution and hotels, although they are making headway in less traditional sectors such as insurance and banking, and that in most cases women are managers of small companies or companies without any employees; notes also that in large organisations women usually reach senior management positions only in less important areas of the company, such as human resources and administrative roles; encourages companies to make regular training available to juniors and to implement effective maternity, paternity and parental support schemes;

29. Calls for an end to the glass ceiling in the public service that prevents women from attaining positions of high responsibility; notes that the public sector must play an exemplary role in this field;

30. Emphasises that women account for a greater proportion than men of the informal economy in the service sector, partly because there is greater deregulation in the sectors in which women traditionally work, for example domestic service or care work; notes, on the other hand, that the informal economy has grown as a result of the crisis, although it is very difficult to determine its particular contours in the absence of reliable data on incidence and impact;

31. Welcomes the Annual Growth Survey working document entitled 'On exploiting the employment potential of the personal and household services' and calls on the Member States, the social partners and other stakeholders actively to accept the Commission's invitation to conduct a discussion on this issue;

32. Calls on the Member States to develop policies aimed at turning precarious workers in the informal economy into regular workers, for instance by introducing tax benefits and service vouchers; calls for the development of a programme aimed at educating workers in the service sector about their rights and promoting the organisation of such workers; calls for initiatives targeting employers and the wider public in order to raise awareness of the negative effects and impact of precarious irregular work, including on occupational safety and health;

33. Calls on the Commission to order an independent study on the effects of liberalising the domestic care sector on the position and conditions of workers;

34. Is concerned about the situation of female immigrant and undeclared workers in the service sector, in particular those employed in private households, as the vast majority work without a contract in precarious employment and domestic service with poor working conditions, substantially lower wages than declared workers and no social rights of any kind; stresses, therefore, the need for appropriate policies to ensure that migrant workers are entitled to basic human rights, including the right to health care, fair labour conditions, education and training, moral and physical integrity and equality before the law; calls on the Member States to review national policies and practices in order to place a greater focus on recruitment practices, access to information and human rights protection and to encourage such workers to report abusive working conditions without the risk of any impact on their residence status;

35. Encourages the Member States to ratify without delay ILO Convention No 189 on domestic workers, which was adopted by the tripartite organisation in 2011 with the aim of ensuring decent working conditions for domestic workers and the same basic labour rights as those available to other workers and supporting the development of a formal domestic and care services sector;

36. Calls on the Member States to consider introducing a special regime for the personal and household service sector in order to regularise the widespread phenomenon of undeclared work - which particularly affects women - and thereby ensure decent working conditions; calls on the Member States to report on their efforts to combat undeclared work in their national reform programmes submitted under the Europe 2020 strategy;

37. Calls on the Member States to adopt policies on integrating vulnerable workers into the labour market, with particular reference to low-skilled, unemployed, young and older workers, people with disabilities, those with mental disabilities and minority groups such as migrant workers and Roma, through targeted and tailored occupational guidance, training and apprenticeship programmes;

38. Notes that the economic crisis and so-called austerity measures have led to a reduction in gender equality measures and are an additional obstacle to the application of the principle of gender equality, particularly with regard to job losses, access to new jobs and increased insecurity for women, which, together with the fact that male employment rates tend to recover more quickly than female employment rates, are having a negative impact on women's employment in the service sector and on their careers and pensions; calls on the Commission to collect data on the impact of austerity measures on women in the labour market, with particular emphasis on the service sector; emphasises the need for greater recognition of the interdependence between social and economic issues, as increased attention to social issues is a prerequisite for effectively addressing gender-based inequalities;

39. Points out that the Fifth European Working Conditions Survey, published in April 2012, found that 18 % of workers reported a poor work-life balance; stresses the need for strengthened policies to reconcile work and family life and calls, in particular, for an increase in free and quality social public services and facilities in order to provide childcare services and care for other dependants which are compatible with the reconciliation of professional, family and private life, in both rural and urban areas; stresses that the provision of care facilities will also help to reduce poverty among women by making it possible for them to work;

40. Stresses that the active participation and involvement of men in reconciliation measures, such as part-time work, is crucial for achieving work-life balance, since both women and men could benefit from family-friendly employment policies and from equal sharing of unpaid work and household responsibilities; calls on the Commission and the Member States to take decisive policy action to fight gender stereotypes and encourage men to share equally in caring and domestic responsibilities, in particular through incentives for men to take parental and paternity leave, which will strengthen their rights as parents, ensure a greater degree of equality between women and men and more appropriate sharing of family and housekeeping responsibilities, and enhance women's opportunities to participate fully in the labour market; suggests that the Member States should correctly apply Council Directive 2010/18/EU ([1]) on parental leave, through both legislative and educational measures relating to gender equality;

41. Calls on the Commission and the Council to adopt an action plan for achieving the Barcelona targets for childcare provision and to establish a timeline for progressively increasing the target levels;

42. Points out the limited opportunities women have to adapt to the requirements of labour markets in a modern, highly globalised world, in which a worker's key attribute is mobility and the ability to move to take up a position outside his or her place of residence, which in the case of women, who are more involved in caring for children and looking after the home, is often impossible, preventing them from taking full advantage of the opportunities offered by the labour market;

43. Urges the Council to break the deadlock with regard to the adoption of the amendment to the pregnant workers directive accepting the flexibility proposed by Parliament so that Europe can make progress in protecting the rights and improving the working conditions of pregnant workers and those who have recently given birth; underlines, in this connection, the importance of effectively protecting motherhood and fatherhood by combating i) dismissal from employment during or after pregnancy, ii) salary cuts during maternity leave, and iii) downgrading of job status or remuneration upon return to work; emphasises the need to ensure that non-typical employees of companies, such as locums, freelance workers and other temporary employees, can assert rights to an extent that reflects the individual employee's work contribution in the period prior to pregnancy and birth, and which ensures the greatest possible equality of treatment in relation to permanent colleagues in the sector in question;

44. Calls on the Commission and the Member States, with due respect for the principle of subsidiarity and in consultation with the social partners, to develop strategies for setting minimum standards in the service sector, including regular contracts and collective bargaining, and to try to tackle the negative consequences of horizontal and vertical segregation;

45. Stresses the need to combat all forms of violence against women in the service sector, including economic violence, psychological and sexual workplace harassment, sexual abuse and human trafficking;

46. Stresses the need for the Commission and the Member States to ensure that women's working conditions (the strenuousness and risks of the work carried out as well as the working environment) in the service sector comply with the ILO Declaration on Fundamental Principles and Rights at Work, adopted in June 1998, and with the ILO's specific fundamental conventions;

47. Calls on the Member States to take measures to combat the misuse of personal care services, such as massage and saunas, to mask services of a sexual nature where the latter are provided under duress and controlled by human trafficking networks;

48. Calls on the Commission and the Member States to guarantee the protection of social and employment rights for the large number of mobile workers in the service sector, and to combat all forms of exploitation and the risk of social exclusion while ensuring that information on workers' rights is easily accessible; stresses that mobility should be voluntary;

([1]) OJ L 68, 18.3.2010, p. 13.

49. Notes the need to promote initial and ongoing training options for women which are targeted and in line with the objective of developing the scientific and technical competencies required to find work and pursue a career;

50. Notes that, although there are increasing numbers of women using computers and surfing the internet in an elementary way, the digital divide in terms of skills remains very wide, restricting women's access to and use of information and communication technologies (ICTs), thus hampering their ability to seek and find skilled work and, consequently, intensifying inequalities within households, communities, labour markets and the wider economy; calls, therefore, for efforts to promote women's access to the use of new technologies by giving them priority access to free training courses; invites the Member States and the regions to set up free computer training courses through projects financed by the European Social Fund (ESF), providing women with the chance to acquire new technical skills in the fields of technology and computer science and leading to greater opportunities for female employment in the service sector; calls on governments to implement policies (such as promotion campaigns and specific scholarships) aimed at increasing the level of enrolment of female students in information and communications technology courses;

51. Calls for a strong social dialogue and the involvement of employers' and workers' representatives in setting EU priorities for the service sector with regard to the protection of social and employment rights, unemployment benefits and representative rights;

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

Education, training and Europe 2020

P7_TA(2012)0323

European Parliament resolution of 11 September 2012 on Education, Training and Europe 2020 (2012/2045(INI))

(2013/C 353 E/07)

The European Parliament,

— having regard to Articles 165 and 166 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to the Charter of Fundamental Rights of the European Union, and in particular its Article 14,

— having regard to the Commission Communication of 23 November 2011 entitled 'Annual Growth Survey 2012' (COM(2011)0815),

— having regard to the Commission Communication of 20 December 2011 entitled 'Education and Training in smart, sustainable and inclusive Europe' (COM(2011)0902),

— having regard to Commission Communication of 3 March 2010 on 'Europe 2020: A strategy for smart, sustainable and inclusive growth' (COM(2010)2020),

— having regard to Council conclusions of 11 May 2010 on the social dimension of education and training ([1]),

([1]) OJ C 135, 26.5.2010, p. 2.

— having regard to the Council conclusions of 12 May 2009 on a strategic framework for European cooperation in education and training ('ET 2020') ([1]),

— having regard to the Council Recommendation of 28 June 2011 entitled 'Youth on the Move' – promoting the learning mobility of young people ([2]),

— having regard to its resolution of 1 December 2011 on tackling early school leaving ([3]),

— having regard to its resolution of 12 May 2011 on early years learning in the European Union ([4]),

— having regard to its resolution of 18 May 2010 on key competences for a changing world: implementation of the Education and Training 2010 work programme ([5]),

— having regard to its resolution of 18 December 2008 on delivering lifelong learning for knowledge, creativity and innovation – implementation of the 'Education & Training 2010 work programme' ([6]),

— 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 Employment and Social Affairs (A7-0247/2012),

A. whereas, despite some improvement in education and training, for the majority of the EU population lifelong learning (LLL) is still not a reality, and certain indicators are, in fact, worrying; whereas, in addition to general education and vocational training, the importance of formal and non-formal adult education should also be highlighted;

B. whereas LLL strategies are far from being properly implemented in many Member States, although they are a key part of the EU 2020 strategy;

C. whereas education and training policies need to provide LLL opportunities for all, irrespective of their age, disability, gender, race or ethnic origin, religion or belief, sexual orientation, linguistic and socio-economic background;

D. whereas limited and poorly tailored learning opportunities still persist for people of different groups; and whereas both indigenous populations and linguistic and cultural minorities should be able to learn in their own language;

E. whereas economic growth must be based, as a matter of priority, on education, knowledge, innovation and appropriate social policies to make the EU emerge out of the current crises, and it is important to implement the policies in this sphere within the EU 2020 strategy framework properly and in full in order to get through this crucial period;

([1]) OJ C 119, 28.5.2009, p. 2.
([2]) OJ C 199, 7.7.2011, p. 1.
([3]) Texts adopted, P7_TA(2011)0531.
([4]) Texts adopted, P7_TA(2011)0231.
([5]) OJ C 161 E, 31.5.2011, p. 8.
([6]) OJ C 45 E, 23.2.2010, p. 33.

F. whereas the Member States have a public responsibility to draft education and training policies, and whereas these spheres require adequate public funding in order to guarantee equal access to education without social, economic, cultural, racial or political discrimination;

G. whereas the austerity measures, and the consequent budget cuts to education and training systems throughout the EU, endanger one of the key drivers of cohesion and growth and undermine the objective to establish a knowledge-based economy in Europe;

H. whereas the Member States must continue to work together and exchange best practices in order to drive forward their national education and training systems;

I. whereas insufficient language knowledge continues to be an enormous obstacle to mobility for the purposes of education and training;

J. whereas a successful education and training strategy should also aim at equipping learners with skills and competences necessary for personal development and active citizenship;

K. whereas LLL should genuinely mean lifelong within the actual demographic context, and whereas we should continue to take better account of the potential of knowledge accrued by older people;

L. whereas skills in new technologies significantly facilitate the objectives of the Lifelong Learning Programme (LLP);

M. whereas LLL is a continuing process of learning and should last during a person's entire life, from quality early-childhood education to post-working age;

N. whereas providing all children with quality early-childhood facilities and education is an investment in the future and provides a great benefit both for the individual and for society;

O. whereas early school leaving (ESL) has serious consequences for the individual and for the EU's social and economic development;

P. whereas further innovation in the field of student grants at the pre-university stage of education should be considered;

Q. whereas the accessibility of education and training is a crucial challenge also to further contribute to social inclusion, cohesion and fight against poverty;

R. whereas European, national, regional and local authorities must cooperate in order to address successfully the challenges that Europe is currently facing;

1. Notes the above-mentioned Commission Communication on 'Education and Training in smart, sustainable and inclusive Europe';

2. Recalls that, prior to the current crisis, the performance of Member States in terms of participation of all age groups in education, training and LLL varied widely and the overall EU average was falling behind international averages;

3. Points out that some Member States have pursued budget cuts in education and training in light of the current economic situation, but believes that those investments with the greatest strategic value should be safeguarded and even increased; emphasises that the Union's multiannual financial framework anticipates that education and related sectors will obtain the biggest percentage increase under the EU's long-term budget;

4. Points out the need to approve the budget increase dedicated to education and related sectors under the multiannual financial framework; calls on Member States to adopt their national LLL strategies, with suitable amounts of financial resources as the best possible tool available for reaching the objectives outlined in the ET 2020 strategy;

5. Highlights that the economic costs of the consequences of educational underperformance, including school dropout and social inequalities within education and training systems and their impact on the development of the Member States, are significantly higher than the costs of the financial crisis, and the Member States are already paying the price year after year;

6. Asks the Member States to prioritise expenditures in education, training, youth, lifelong learning, research, innovation and linguistic and cultural diversity, which are investments for future growth and economic balance, while at the same time ensuring the added value of such investment; reiterates, in this regard, the request to target a total investment of at least 2 % of GDP in higher education, as recommended by the Commission in the Annual Growth and Employment Survey, being the minimum required for knowledge-based economies;

7. Recalls that in order to be competitive in the future with the new global powers the Members States are required to achieve the basic Europe 2020 objectives which, in the field of education, can be expressed as reaching 3 % in investments for research, increasing to 40 % the number of young people with a university education, and reducing early school leaving to below 10 %;

8. Recalls the importance of research in the framework of an ambitious strategy for education and training; asks, therefore, the Commission and the Member States to reinforce their actions aiming to increase the number of young people moving into this field;

9. Recalls that a special focus should be given to young people, bearing in mind that the EU unemployment rate has increased to over 20 %, with peaks in excess of 50 % in some Member States or some regions, and that young people, particularly the least qualified young people, are particularly hard hit in the current crisis; highlights, in particular, the detrimental effects of austerity programmes on youth unemployment in certain EU States, especially those in southern Europe, leading, for example, to a significant brain drain to other countries, including countries outside the EU; recalls also that one out of seven of today's pupils (14,4 %) leaves the education system with no more than a lower secondary education and does not participate in any further education or training;

10. Notes the existence of dual vocational training systems in some Member States that ensure a link between theory and practice and allow a better entry into the world of work than purely school-based forms of training;

11. Proposes that the Member States deduct investments in education and training from the national deficit calculation of the fiscal compact as they are considered to be key drivers for a sound recovery in line with the EU 2020 objectives;

12. Calls on the EU institutions to make further efforts to elaborate clearer and more targeted youth policies at EU level which are tailored to meet society's new challenges; the current generation of young people feels that it will not be able to attain the same level of prosperity as the previous one did;

13. In particular, asks the Member States to implement measures targeted at young people likely to leave school early or who are not in education, training or employment, in order to offer them quality learning, and provide them with training and youth guarantee schemes, so that they can gain the skills and experience they need to enter employment, and in order to facilitate the re-entry of some of them into the educational system; calls, at the same time, for special attention to vocational education and training in tertiary education, taking into account the diversity of national education systems; calls on the Member States to step up their efforts to ensure that young people can gain real work experience and quickly enter the job market; stresses that traineeships must be relevant for the studies and form part of the curriculum;

14. Points out that the employability of young people is particularly at risk during a period of crisis; stresses the importance of monitoring how quickly young graduates obtain employment appropriate to their education and knowledge after they complete their education, and of making an assessment, on the basis of this information, of the quality of education and training systems and of the need and possibility to make adjustments;

15. Calls on the Commission and the Member States to work consistently on the introduction, implementation and further development of the European Credit System for Vocational Education and Training, Europass and the European Qualifications Framework;

16. Stresses that young people have a key role to play in achieving the EU headline targets for 2020 as regards employment, research and innovation, climate and energy, education and the fight against poverty;

17. Stresses the importance of informal and non-formal education for the development of values, aptitudes and skills, particularly for young people, as well as for learning about citizenship and democratic involvement; calls on the Commission to provide support, including financial support, for informal and non-formal education within the framework of the new programmes for education and youth, as well as for citizenship;

18. Calls on universities to widen access to learning, and to modernise their curricula to address the new challenges, in order to upgrade the skills of the European population, without calling into question their academic remit in terms of passing on knowledge, and bearing in mind that demographic change is an undeniable reality in Europe; highlights, in this context, the importance of supporting and recognising non-formal education and informal learning;

19. Encourages dialogue between private stakeholders, particularly SMEs and local and regional authorities, civil society stakeholders and higher-education institutes/universities in order to promote the acquisition by students of knowledge and skills to facilitate their entry into the labour market; reminds employers of the importance of initiation into work, as this promotes the adjustment of young people to working life;

20. Recalls that creativity is an essential element of the new knowledge-based economy; stresses that the creative sector makes a significant and increasing contribution to the economy, amounting to 4,5 % of EU GDP and 8,5 million jobs;

21. Considers the synergy between the supply of labour and the ability of the labour market to absorb it to be essential;

22. Stresses the essential role played by public employment services in carrying out policies to support and advise jobseekers, in particular as regards assistance in seeking employment or training; emphasises that an increasing number of these jobseekers must receive adequate training that facilitates their return to the labour market, and therefore urges the Member States to make the necessary resources available;

23. Stresses the decisive importance of facilitating access for persons with disabilities to LLL, not only through the formulation and implementation of targeted programmes but also through disability mainstreaming in all programmes intended for the general public; particular attention must be paid, in this connection, to the relationship between disability and LLL so as to prevent social exclusion and genuinely strengthen the position of those with disabilities on the labour market, given that, according to all relevant studies, the educational level of those with disabilities is below average while their degree of participation in the programmes in question is extremely low;

24. Recalls that employers have a key responsibility in making LLL a reality for all, with due regard for gender equality; encourages employers to facilitate continuous training throughout workers' careers by giving more visibility to the right to training, by ensuring that training is available to all workers and by giving workers proper credit for in-service training, thus making further specialisation possible and creating opportunities for career advancement;

25. Calls for greater efforts to establish and implement a European system for the certification and recognition of qualifications, formal and non-formal learning, including voluntary service, so as to strengthen the vital links between non-formal learning and formal education, as well as to improve national and cross-border educational and labour market mobility;

26. Notes the great disparities between national education and training systems and, in line with the principle of subsidiarity, recommends that the progress report be accompanied by a handbook for each individual Member State containing recommendations as to how existing policies might be improved and the national education systems developed;

27. Calls for the external dimension of EU policies to be enhanced through an intensified policy dialogue and through cooperation on education and training between the Union and its international partners and neighbouring countries, aiming to (a) reflect the increasing economic, social and political interdependencies, (b) contribute to the implementation of the external dimension of Europe 2020, and (c) support stability, prosperity and better employment opportunities for our partner countries' citizens, all the while developing better instruments for managing and facilitating skilled migration to Europe, thereby balancing skill shortages and gaps that are the result of demographic developments in Europe;

28. Recalls that, as players on the global education market, national vocational education and training (VET) systems need to be connected to the wider world in order to remain up to date and competitive, and need to be more capable of attracting learners from other European and third countries, providing them with education and training as well as making it easier to recognise their skills; highlights that demographic change and international migration make these issues even more relevant;

29. Stresses that, although a European area of education and training is emerging, the objective of removing obstacles to mobility has not been achieved yet, and the mobility of learners in VET remains low; underlines that increasing the transnational mobility of VET learners and teachers substantially, and recognising the knowledge, skills and competences they have acquired abroad, will be important challenges for the future, and that better and targeted provision of information and guidance is also needed to attract more foreign learners to our VET systems;

30. Regrets that the Commission Communication on 'Education and Training in a smart, sustainable and inclusive Europe' does not give adequate coverage to the issue of early school development, particularly its linguistic dimension, despite the fact that it comprises a basic objective of the 'Europe 2020' strategy; believes that this stage in education should be seen as the most crucial for the individual's future educational attainment and personal and social development; believes that children will benefit from early education that is aimed at enhancing motoric and social skills as well as promoting balanced emotional growth while at the same time stimulating intellectual curiosity;

31. Calls on the Commission to encourage and help the Member States put in place measures to assist children in genuine educational pathways, from a very early age;

32. Strongly believes that investing in early childhood education and care (ECEC), appropriately tailored to the sensitivity period and maturity level of each target group, brings greater returns than investing in any other stage of education; points out that investing in the early years of education has been proven to reduce later costs; believes also that the success of education at all levels depends on well-trained teachers, and on their continually advancing professional training, and sufficient investment is therefore needed in teacher training;

33. Stresses the need for professional child care to address the social development of children, particularly children in families experiencing social difficulties;

34. Highlights the need for everyone to acquire excellent language skills from a very early age, covering not only the official languages of the EU but also regional and minority languages, as this will enable people to be more mobile, giving them greater access to the labour market and significantly increased opportunities for study, while serving to promote intercultural exchanges and greater European cohesion;

35. Emphasises that it is necessary to encourage mobility for language learning in order to achieve the objective that all citizens of the European Union should know at least two languages besides their mother tongue;

36. Notes the need to begin language acquisition before school, and welcomes initiatives that enable pupils to learn their native language in written and spoken form as an elective subject in school, thereby acquiring additional skills;

37. Believes that it is vital to promote mobility through ambitious community programmes for education and culture, in particular through exchanges of teachers, students and pupils, and especially in the language field, in order to promote an active citizenship and European values as well as language skills and other valuable skills and competences;

38. Encourages the Commission to support the development of innovative solutions in the field of education and training that easily could be adapted with regard to languages and in technical terms, and that would create mobility in sectors less affected by the phenomenon of multilingualism;

39. Recognises the important contribution of the EU Year for Active Ageing and Solidarity between Generations 2012, and recalls that it is important for the EU that its citizens be given the opportunity to engage in learning, in all its forms, late in life, and to involve older learners in dialogue with professionals who work in the services that provide and support learning;

40. Recalls that the Grundtvig programme aims to help develop the adult education sector as well as to enable more people to participate in learning experiences; point out that it focuses on the teaching and study needs of learners taking adult education and 'alternative' education courses, as well as on the organisations delivering these services; asks Member States to improve the quality of education offered by – and to foster co-operation between – adult education organisations;

41. Stresses the need to promote existing European tools, particularly the Structural Funds for training;

42. Stresses that adult learning extends beyond employment-related activities to include the advancement of personal, civic and social skills though formal education and training systems throughout life, as highlighted by the LLP programme;

43. Recognises the positive impact on society in general of the activities of older people, promoted by their participation in education and training activities, which are carried out for personal fulfilment or social contact;

44. Highlights the need for LLL statistics that cover the age group of 65 +; points out that with the retirement age in many of the EU countries rising, and with people working later in their lives, it is necessary to take into account the changes in the population that fall outside this age bracket;

45. Recognises the role that sport plays in education and training, and therefore invites the Member States to increase investments in sports, and to promote sports activities in schools, in order to encourage integration and contribute to the development of positive values among young Europeans;

46. Stresses that training players at local level is fundamental for the sustainable development and societal role of sport, and expresses its support for sports governing bodies that encourage clubs to invest in the education and training of young local players through measures establishing a minimum number of locally trained players in a club squad, and encourages them to go further still;

47. Encourages the Member States to consider the possibility of introducing a wider system of small grants, with a minimum of red tape, for pre-university students facing financial difficulties, so as to encourage them to stay in education, and thereby contribute to the elimination of social inequality and ensure greater learning opportunities for all;

48. Believes that more should be done to address the disparity between men and women graduating with degrees in STEM subjects (science, technology, engineering and mathematics), as exemplified by the fact that only 20 % of engineering graduates are female;

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

Tuesday 11 September 2012

Online distribution of audiovisual works in the EU

P7_TA(2012)0324

European Parliament resolution of 11 September 2012 on the online distribution of audiovisual works in the European Union (2011/2313(INI))

(2013/C 353 E/08)

The European Parliament,

— having regard to Article 167 of the Treaty on the Functioning of the European Union,

— having regard to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions adopted by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) on 20 October 2005,

— having regard to Article 21 of the Charter of Fundamental Rights of the European Union, in accordance with which the cultural and creative sectors make a significant contribution in the fight against every form of discrimination, including racism and xenophobia,

— having regard to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) ([1]),

— having regard to Article 8 of the Charter of Fundamental Rights of the European Union, whereby the protection of personal data must be guaranteed,

— having regard to Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007) ([2]),

— having regard to the Recommendation of the European Parliament and of the Council of 16 November 2005 on film heritage and the competitiveness of related industrial activities ([3]),

— having regard to the Commission Recommendation of 24 August 2006 on the digitisation and online accessibility of cultural material and digital preservation ([4]),

— 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 26 August 2010 entitled 'A Digital Agenda for Europe' (COM(2010)0245),

— having regard to its resolution of 12 May 2011 on unlocking the potential of cultural and creative industries ([5]),

([1]) OJ L 95, 15.4.2010, p. 1.
([2]) OJ L 327, 24.11.2006, p. 12.
([3]) OJ L 323, 9.12.2005, p. 57.
([4]) OJ L 236, 31.8.2006, p. 28.
([5]) Texts adopted, P7_TA(2011)0240.

— having regard to Rule 48 of its Rules of Procedure,

— having regard to the report of the Committee on Culture and Education and the opinions of the Committee on Industry, Research and Energy and the Committee on Legal Affairs (A7-0262/2012),

A. whereas the digital age, by nature, offers great opportunities for creating and disseminating works, but also presents enormous challenges;

B. whereas market progress has in many ways created the necessary growth and cultural content, in line with the objectives of the single market;

C. whereas there is more consumer content available today than ever before;

D. whereas it is essential to make the European audiovisual sector more competitive by supporting online services while also promoting European civilisation, linguistic and cultural diversity and media pluralism;

E. whereas copyright is a vital legal instrument which grants rights-holders certain exclusive rights and protects those rights, allowing the cultural and creative industries to grow and prosper financially while also helping to safeguard jobs;

F. whereas changes to the legal framework aimed at facilitating the acquisition of rights would encourage the free movement of works in the EU and help to strengthen the European audiovisual industry;

G. D. whereas European broadcasters play a crucial role in the promotion of the European creative industry and protection of cultural diversity, and whereas broadcasters provide funding for over 80 % of original European audiovisual content;

H. whereas cinema exhibition continues to account for a large proportion of film revenue and has a considerable impact on the success of films on video-on-demand platforms;

I. whereas Article 13(1) of the Audiovisual Media Services Directive provides the basis for introducing funding and promotion commitments for on-demand audiovisual media services, as they too play a crucial role in the promotion and protection of cultural diversity;

J. whereas European broadcasters operating in a digital, convergent, multimedia multi-platform environment need flexible, future-oriented rights clearance systems that make effective copyright clearance possible even in a one-stop shop. whereas flexible rights clearance systems of this kind have been in place in the Nordic countries for decades;

K. whereas it is essential to ensure the development of a diverse range of attractive, legal online content and further to facilitate and ensure the easy distribution of such content by keeping obstacles to licensing, including cross-border licensing, at an absolute minimum; also stresses the importance of making content easier to use for consumers, particularly as regards payment;

L. whereas consumers are demanding access to an ever-wider choice of online films, regardless of the platform's geographical location;

M. whereas audiovisual works are already being distributed across borders in Europe in accordance with pan-European licences acquired on a voluntary basis, and whereas their further development may be one of the avenues to explore, provided that the corresponding economic demand exists; whereas due recognition must be given to the fact that companies also have to take into account the various linguistic and cultural preferences of European consumers, which reflect the diverse choices of EU citizens in the consumption of audiovisual works in the internal market;

N. whereas the online distribution of audiovisual products is an excellent opportunity to enhance knowledge of European languages, and whereas this objective can be achieved through original versions and the possibility of having audiovisual products translated into a great variety of languages;

O. whereas it is essential to ensure legal certainty for both rights-holders and consumers with regard to the application of authors' and neighbouring rights in the European digital area, through greater coordination of legal rules between Member States;

P. whereas strengthening the legal framework for the audiovisual sector in Europe contributes to further protection of freedom of expression and thought, reinforcing the democratic values and principles of the EU;

Q. whereas specific action needs to be taken to preserve the European cinematographic and audiovisual heritage, in particular by encouraging the digitisation of content and making it easier for citizens and users to access Europe's film and audiovisual heritage;

R. whereas the introduction of a system for identifying and labelling works would help to protect rights-holders and restrict unauthorised use;

S. whereas it is absolutely essential to preserve net neutrality in information and communication networks and guarantee the technology-neutral design of media platforms and players with a view to ensuring the availability of audiovisual services, and to promote freedom of expression and media pluralism in the European Union and take account of technological convergence;

T. whereas there can be neither sustainable creation nor cultural diversity in the absence of either authors' rights that protect and reward creators, or legally watertight access to the cultural heritage for users; whereas new business models should incorporate effective licensing systems, continued investment in the digitisation of creative content, and easy access for consumers;

U. whereas a large number of violations of authors' rights or related intellectual property rights stem from the potential audience's understandable need for new audiovisual content under simple and fairly priced conditions, and whereas this demand has not yet been sufficiently fulfilled;

V. whereas adjustments to the realities of the digital age, particularly those intended to prevent relocations resulting from a desire to find the legislation offering the least possible protection, need to be encouraged;

W. whereas fairness demands that all contracts should provide for fair remuneration for authors for all forms of exploitation of their works, including online exploitation;

X. whereas it is urgent that the Commission propose a directive on collective rights management and collecting societies in order to increase confidence in collecting societies by introducing measures aimed at enhancing efficiency, significantly improving transparency and promoting good governance and efficient dispute resolution;

Y. whereas collective rights management is an essential tool for broadcasters, given the high number of rights they need to clear daily, and should therefore provide for efficient licensing schemes for the online use of *on-demand* audiovisual content;

Z. whereas the arrangements for taxing cultural goods and services should be adapted to the digital age;

AA. whereas the principle of media chronology allows an overall balance in the audiovisual sector, ensuring efficient pre-financing of audiovisual works;

AB. whereas the principle of media chronology is encountering increasing competition owing to the growing availability of digital works and the possibilities of instant dissemination afforded by our advanced information society;

AC. whereas the Union needs to take a coherent approach to technological issues by promoting the interoperability of systems used in the digital age;

AD. whereas the legislative and fiscal framework should be favourable to enterprises that promote online distribution of audiovisual products with an economic value;

AE. whereas access to the media for people with disabilities is of major importance and should be facilitated, with programmes being adapted to people with disabilities;

AF. whereas there is a crucial need to step up research and development in order to develop techniques for the automated management of services for people with disabilities, in particular through hybrid broadcasting;

1. Acknowledges the fragmentation of the online market, which is characterised by, for example, technological barriers, the complexity of licensing procedures, differences in methods of payment, the lack of interoperability for crucial elements such as eSignature, and variations in the rates of certain taxes applicable to goods and services, including VAT; believes, therefore, that there is currently a need for a transparent, flexible and harmonised approach at European level in order to advance towards the digital single market; emphasises that any proposed measure should seek to reduce the administrative burdens and transaction costs associated with the licensing of content;

Legal content, accessibility and collective rights management

2. Stresses the need to make legal content more attractive in terms of both quantity and quality, and more up-to-date, and to improve the online availability of audiovisual works, including both subtitled works and works in all the official languages of the EU;

3. Underlines the importance of offering content with subtitles in as many languages as possible, especially via video on-demand services;

4. Stresses that there is a growing need to promote the emergence of an attractive, legal online supply of audiovisual content and to encourage innovation, and that it is therefore essential for new methods of distribution to be flexible in order to allow the emergence of new business models and to make digital goods accessible to all EU citizens, regardless of their Member State of residence, with due regard for the principle of net neutrality;

5. Stresses that digital services, such as video streaming, should be made available to all EU citizens irrespective of the Member State in which they are located; calls on the Commission to request that European digital companies remove geographical controls (e.g. IP address blocking) across the Union and allow the purchase of digital services from outside the consumer's Member State of origin; asks the Commission to draft an analysis of the application of the Cable and Satellite Directive [1] to digital distribution;

6. Considers that greater attention should be given to improving the security of online distribution platforms, including online payments;

7. Stresses the necessity of developing alternative and innovative micropayment systems, such as payment by text message or applications for legal platforms providing online services, so as to facilitate their use by consumers;

8. Stresses that problems associated with online payment systems, such as the lack of interoperability and the high costs of micropayment for consumers, should be tackled with a view to developing simple, innovative and cost-effective solutions of benefit to both consumers and digital platforms;

9. Calls for the development of new solutions in the area of user-friendly payment systems, such as micropayments, and of systems facilitating direct payments to creators, thereby benefiting both consumers and authors;

10. Stresses that online use can represent a real opportunity for better dissemination and distribution of European works, particularly audiovisual works, in conditions whereby the legal supply of such works can develop in an environment of healthy competition which effectively tackles the illegal supply of protected works;

11. Promotes the development of a rich and diverse legal supply of audiovisual content, in particular through more flexible release windows; stresses that rights-holders should be able to decide freely when they wish to launch their products on different platforms;

12. Emphasises the need to ensure that the current system of release windows is not used as a means of blocking online exploitation to the detriment of small producers and distributors;

13. Welcomes the Commission's decision to implement the preparatory action adopted by Parliament for testing new modes of distribution based on complementarity between platforms as regards the flexibility of release windows;

14. Calls for support for strategies enabling European audiovisual SMEs to manage digital rights more effectively and thereby reach a wider audience;

15. Calls on all Member States, as a matter of urgency, to implement Article 13 of the Audiovisual Media Services Directive in a prescriptive manner and to introduce funding and promotion commitments for on-demand audiovisual media services, and on the Commission to provide Parliament with a detailed report on the current status of implementation as per Article 13(3) without delay;

[1] Directive 93/83/EEC, OJ L 248, 6.10.1993, p. 15.

16. Recalls that, for the creation of a single internal digital market in Europe, it is essential to establish pan-European regulations on the collective management of authors' rights and related intellectual property rights so as to put a stop to the continuing various amendments to legislation in the Member States that make cross-border rights management increasingly difficult;

17. Supports the creation of a legal framework designed to facilitate digitisation and the cross-border dissemination of orphan works on the digital single market, this being one of the key actions identified in the Digital Agenda for Europe, which is part of the Europe 2020 strategy;

18. Observes that the development of cross-border services is entirely possible, provided that business platforms are prepared to acquire, by contractual means, the rights to exploit one or more territories, since it must be remembered that territorial systems are natural markets in the audiovisual sector;

19. Stresses the need to create legal certainty as to which legal system applies for the clearance of rights in the event of cross-border distribution, by proposing that the applicable law should be that of the country where an enterprise carries out its main business and generates its main revenue;

20. Reaffirms the objective of intensified and efficient cross-border online distribution of audiovisual works between Member States;

21. Suggests adopting a comprehensive approach at EU level which should involve greater cooperation between rights-holders, online distribution platforms and internet service providers, so as to facilitate user-friendly and competitive access to audiovisual content;

22. Emphasises the need to ensure flexibility and interoperability in the distribution of audiovisual works by digital platforms, with a view to expanding the legal online supply of audiovisual works in response to market demand, and to foster cross-border access to content originating from other Member States while ensuring respect for copyright;

23. Welcomes the new Creative Europe programme proposed by the Commission, which emphasises that online distribution is also having a massive, positive impact on the distribution of audiovisual works, especially in terms of reaching new audiences in Europe and beyond and enhancing social cohesion;

24. Stresses the importance of net neutrality in order to guarantee equal access to high-speed networks, which is crucial to the quality of legitimate online audiovisual services;

25. Emphasises that the digital divide between Member States or regions of the EU represents a serious barrier to the development of the digital single market; calls, therefore, for the expansion of broadband internet access throughout the EU with a view to stimulating access to online services and new technologies;

26. Recalls that, for the purpose of commercial exploitation, rights are transferred to the audiovisual producer, who relies on the centralisation of exclusive rights granted under copyright law to organise the financing, production and distribution of audiovisual works;

27. Recalls that commercial exploitation of the exclusive rights of 'communication to the public' and 'making available to the public' is aimed at generating financial resources, in the event of commercial success, in order to finance the future production and distribution of projects, thus promoting the availability of a diversified and ongoing supply of new films;

28. Calls on the Commission to present a legislative initiative for the collective management of copyright, aimed at ensuring better accountability, transparency and governance on the part of collective rights management societies, along with efficient dispute resolution mechanisms, and at clarifying and simplifying licensing systems in the music sector; stresses, in this regard, the need to operate a clear distinction between licensing practices for different types of content, notably between audiovisual/cinematographic and musical works; recalls that the licensing of audiovisual works is conducted on the basis of individual contractual agreements together with, in some cases, the collective management of remuneration claims;

29. Stresses that the Commission report on the application of Directive 2001/29/EC ([1]) identified differences in the implementation in Member States of the provisions of Articles 5, 6 and 8, leading to differing interpretations and decisions by the courts of the Member States; points out that these have become part of the specific body of case law relating to the audiovisual sector;

30. Requests the Commission to continue its rigorous monitoring of the application of Directive 2001/29/EC and its periodic reporting of findings to Parliament and the Council;

31. Invites the Commission to revise Directive 2001/29/EC, after consulting all the relevant stakeholders, in such a way that the provisions of Articles 5, 6 and 8 are worded more precisely, with a view to ensuring the harmonisation at Union level of the legal framework for copyright protection in the information society;

32. Supports the establishment of consistent European rules on the good governance and transparency of collecting societies and on efficient dispute resolution mechanisms;

33. Stresses that simplified clearance and aggregation, especially of musical rights in audiovisual works for online distribution, would promote the internal market, and urges the Commission to take this into consideration as appropriate in the legal act on collective rights management that has been announced;

34. Points out that the continuing convergence of the media, not only in terms of authors' rights, but also in terms of entertainment law, requires new problem-solving approaches; urges the European Commission to check to what extent various regulations for linear and non-linear services in Directive 2010/13/EU on audiovisual media services are still up-to-date, taking the latest technological developments into consideration;

35. Believes that restrictions on advertising for linear children's ranges, on news and information programmes, are reasonable despite the increasingly obsolete distinction between linear and non-linear selections; suggests, however, that consideration be given to new forms of cross-programme and cross-platform clearing systems, with the aid of which interest could be awoken in high-quality content, which would also increase the linear programme quality and the online variety without burdening the revenue of private broadcasters;

36. Stresses that the option of territorial production and distribution schemes should continue to apply to the digital environment, since this form of organisation of the audiovisual market appears to serve as the basis for financing European audiovisual and cinematographic works;

37. Calls on the Commission to present an analysis of whether the principle of mutual recognition could be applied to digital goods in the same manner as to physical goods;

([1]) OJ L 167, 22.6.2001, p. 10.

Identification

38. Takes the view that new technologies could be used to facilitate the clearing of rights; welcomes, in this connection, the International Standard Audiovisual Number (ISAN) initiative, which makes it easier to identify audiovisual works and their rights-holders; calls on the Commission to consider implementing measures facilitating wider use of the ISAN system;

Unauthorised use

39. Calls on the Commission to afford internet users legal certainty when they are using streamed services and to consider, in particular, ways to prevent the use of payment systems and the funding of such services through advertising on pay platforms offering unauthorised downloading and streaming services;

40. Calls on the Member States to promote respect for authors' and neighbouring rights and to combat the provision and distribution of unauthorised content, including via streaming;

41. Draws attention to the upsurge in social networking platforms offering internet users the chance to provide financial support for the production of a film or documentary, which makes them feel like an integral part of its making, but stresses, nonetheless, that in the short term this type of funding is unlikely to replace traditional sources of funding;

42. Recognises that, where legal alternatives do exist, online copyright infringement remains an issue and therefore the legal online availability of copyrighted cultural material needs to be supplemented with smarter online enforcement of copyright while fully respecting fundamental rights, notably freedom of information and of speech, protection of personal data and the right to privacy, along with the 'mere conduit' principle;

43. Calls on the Commission to promote legal certainty with a revision of Directive 2004/48/EC, designed for the analogue market, in order to introduce necessary modifications to that market in order to develop effective solutions for the digital market;

Remuneration

44. Recalls the necessity of ensuring the proper remuneration of rights-holders for online distribution of audiovisual content; notes that, although this right has been recognised at European level since 2001, there still is a lack of proper remuneration for works made available online;

45. Considers that this remuneration should aim to facilitate artistic creation, to increase European competitiveness and to take into account the characteristics of the sector, the interests of the different stakeholders and the need for significantly simplified licensing procedures; calls on the Commission to stimulate bottom-up solutions in cooperation with all stakeholders in order further to develop specific EU legislation;

46. Maintains that it is essential to guarantee authors and performers remuneration that is fair and proportional to all forms of exploitation of their works, especially online exploitation, and therefore calls upon the Member States to ban buyout contracts, which contradict this principle;

47. Calls on the Commission urgently to present a study considering disparities in the different remuneration mechanisms for authors and performers which are in use at the national level, in order to draw up a list of best practices;

48. Calls for the bargaining position of authors and performers vis-à-vis producers to be rebalanced by providing authors and performers with an unwaivable right to remuneration for all forms of exploitation of their works, including ongoing remuneration where they have transferred their exclusive "making available" right to a producer;

49. Calls for measures to be taken to guarantee fair remuneration for rights-holders when distributing, retransmitting or rebroadcasting audiovisual works;

50. Maintains that the best means of guaranteeing decent remuneration for rights-holders is by offering a choice, as preferred, among collective bargaining agreements (including agreed standard contracts), extended collective licences and collective management organisations;

Licensing

51. Points out that the European copyright *acquis communautaire* does not *per se* preclude voluntary multi-territorial or pan-European licensing mechanisms, but that cultural and language differences between Member States, along with variations in national rules, including those unrelated to intellectual property, necessitate a flexible and complementary approach at European level in order to advance towards the digital single market;

52. Points out that multi-territorial or pan-European licensing mechanisms should remain voluntary and that linguistic and cultural differences between Member States, along with variations in national rules unrelated to copyright law, carry their own specific challenges; believes, therefore, that a flexible approach regarding pan-European licensing must be adopted, while protecting rights-holders and progressing towards the digital single market;

53. Takes the view that, if sustainable multi-territorial licensing can be encouraged and promoted in the digital single market for audiovisual works, this should facilitate market-driven initiatives; stresses that digital technologies provide new and innovative ways to customise and enrich the supply of such works for each market and to meet consumer demand, including for tailored cross-border services; calls for better exploitation of digital technologies, which should constitute a springboard for both differentiation and multiplication of the legitimate supply of audiovisual works;

54. Believes that there is a need for up-to-date information on licensing conditions, licence-holders and repertoires and for comprehensive studies at European level in order to facilitate transparency, identify where problems arise and find clear, efficient and appropriate mechanisms for solving them;

55. Points out that the administration of audiovisual rights for the commercial exploitation of works in the digital age could be made easier if Member States were to promote effective and transparent licensing, including voluntary extended collective licensing, where such procedures are currently lacking;

56. Observes that it would be useful for culture workers and Member States to negotiate the implementation of measures enabling public records to benefit fully from digital technology for works that form part of the heritage, especially as regards access to remote digital works on a non-commercial scale;

57. Welcomes the Commission's consultation triggered by the publication of the Green Paper and its acknowledgment of the specificities of the audiovisual sector with regard to licensing mechanisms, which are of major importance for the continued development of the sector in terms of promoting both cultural diversity and a strong European audiovisual industry in the digital single market;

Interoperability

58. Calls on the Member States to ensure that collective rights management is based on effective, functional and interoperable systems;

VAT

59. Stresses the importance of initiating a debate on the issue of the divergent VAT rates applied in Member States and calls on the Commission and the Member States to coordinate their action in this area;

60. Stresses that consideration should be given to applying a reduced rate of VAT to the digital distribution of cultural goods and services in order to eliminate the discrepancies between online and offline services;

61. Stresses the need to apply the same VAT rate to cultural audiovisual works sold online and offline; takes the view that the application of reduced VAT rates for online cultural content sold by a provider established in the EU to a consumer resident in the EU would boost the attractiveness of digital platforms; recalls, in this connection, its resolutions of 17 November 2011 on the modernisation of VAT legislation in order to boost the digital single market ([1]) and of 13 October 2011 on the future of VAT ([2]);

62. Calls on the Commission to implement a legal framework for non-EU online audiovisual services where these are aimed directly or indirectly at the EU public, so that they are subject to the same requirements as EU services;

Protection and promotion of audiovisual works

63. Draws attention to the conditions under which the task of restoring and conserving audiovisual works and making them available for cultural and educational purposes is carried out in the digital age, and stresses that special consideration should be given to this issue;

64. Encourages the Member States to implement the Audiovisual Media Services Directive and recommends that they monitor how European works, particularly films and documentaries, are actually presented and promoted through the different audiovisual media services accessible to the public, and stresses the need for closer cooperation between regulatory authorities and film funding organisations;

65. Calls on the Commission to find mechanisms for encouraging access to archived audiovisual material held by Europe's film heritage institutions; notes that, for reasons often linked to diminishing consumer appeal and limited shelf life, a substantial share of European audiovisual material is unavailable commercially;

66. Calls on the Member States and the Commission to promote solutions aimed at supporting the digitisation, preservation and educational availability of these works, including across borders;

67. Notes the importance of the 'Europeana' online library and believes that greater attention should be given by the Member States and cultural institutions to ensuring its accessibility and visibility;

([1]) P7_TA(2011)0513.
([2]) P7_TA(2011)0436.

68. Considers that the digitisation and preservation of cultural resources, along with enhanced access to such resources, offer great economic and social opportunities and represent an essential condition for the future development of Europe's cultural and creative capacities and for its industrial presence in this field; supports, therefore, the Commission's Recommendation of 27 October 2011 on the digitisation and online accessibility of cultural works and digital preservation [1], along with the proposal to create an up-to-date package of measures to that end;

Education

69. Stresses the importance of promoting digital skills and media literacy for all EU citizens, including elderly people and those with disabilities, such as the hard of hearing, and of reducing the digital gap in society, as these aspects play an essential role for societal participation and democratic citizenship; recalls the important role played by public service media in this regard as part of their public-service missions;

70. Reaffirms the crucial importance of integrating new technologies into national educational programmes, and the particular importance of educating all EU citizens, of all ages, in media and digital literacy in order to develop and benefit from their skills in these areas;

71. Highlights the need for European and national education campaigns to raise awareness of the importance of intellectual property rights and of the available legal channels through which audiovisual works are distributed online; points out that consumers should be properly informed about any issues relating to intellectual property rights that may arise when using file-sharing services in the context of cloud-computing services;

72. Draws attention to the need to communicate more strongly to the public the importance of copyright protection and the related need for fair remuneration;

73. Emphasises the need to take into account the granting of a special status to institutions with an educational purpose as regards online access to audiovisual works;

MEDIA 2014-2020

74. Points out that the MEDIA programme has established itself as an independent brand and that it is crucial to pursue an ambitious MEDIA programme for 2014–2020 which is in the same spirit as the current programme;

75. Stresses that it is vital for MEDIA to continue to exist as a specific programme focusing solely on the audiovisual sector;

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

[1] OJ L 283, 29.10.2011, p. 39.

Wednesday 12 September 2012

Non-objection to an implementing measure: airborne collision avoidance system on certain aircraft

P7_TA(2012)0325

European Parliament decision to raise no objections to the draft Commission decision authorising the French Republic to derogate from Commission Regulation (EU) No 1332/2011 with respect to the use of a new software version of the airborne collision avoidance system(ACAS II) on certain newly-built aircraft (D020967/02 – 2012/2745 (RPS))

(2013/C 353 E/09)

The European Parliament,

— having regard to the draft decision of the Commission (D020967/02),

— having regard to the opinion delivered on 4 June 2012 by the Committee of the European Aviation Safety Agency, which is cited in the ninth recital of the Commission's draft decision,

— having regard to the Commission's letter of 5 July 2012 asking Parliament to declare that it had no objections to the draft decision,

— having regard to the letter of 27 July 2012 from the Committee on Transport and Tourism to the chair of the Conference of Committee Chairs,

— having regard to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency [1] and, in particular, Article (6) and (7) thereof,

— having regard to Article 5a of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [2],

— having regard to Rules 88(4)(d) and 87a(6) of its Rules of Procedure,

— having regard to the fact that no objections have been raised within the period laid down in the third and fourth indents of Rule 87a(6) of its Rules of Procedure, which expired on 11 September 2012,

A. whereas the draft Decision of the Commission specifies that it will apply only until 31 January 2013 and, in the circumstances, its adoption should not be delayed;

1. Declares that it has no objections to the draft decision of the Commission;

2. Instructs its President to forward this decision to the Commission and, for information, to the Council.

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[1] OJ L 79, 19.3.2008, p. 1.
[2] OJ L 184, 17.7.1999, p. 23.

Wednesday 12 September 2012

Non-objection to a delegated act: transnational cooperation and negotiations in the milk and milk products sectors

P7_TA(2012)0326

European Parliament decision to raise no objections to the Commission Delegated Regulation of 28 June 2012 supplementing Council Regulation (EC) No 1234/2007 as regards transnational cooperation and contractual negotiations of producer organisations in the milk and milk products sectors (12020-12 – C(2012)4297 – 2012/2780 (RPS))

(2013/C 353 E/10)

The European Parliament,

— having regard to the Commission Delegated Regulation (C(2012)4297),

— having regard to the Commission's letter of 27 July 2012 asking Parliament to declare that it has no objections to the Delegated Regulation,

— having regard to Article 290 of the Treaty on the Functioning of the European Union,

— having regard to 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) [1], and in particular Articles 126e(1) and 196a(5) thereof,

— having regard to Rule 87a(6) of its Rules of Procedure,

— having regard to the fact that no objections have been raised within the period laid down in the third and fourth indents of Rule 87a(6) of its Rules of Procedure, which expired on 11 September 2012,

A. whereas the Commission has stressed that it is essential for Parliament to adopt its decision before 3 October 2012 given that the provisions of the basic legislative act as regards contractual negotiations of producer organisations in the milk and milk products sectors will apply from that date;

B. whereas the Council decided on 16 July 2012 to request the extension by two months – i.e. until 28 October 2012 – of the deadline for raising objections to the Delegated Regulation, noting the importance of deciding before 3 October 2012 whether or not to raise any objections to the said Regulation, and whereas it notified Parliament thereof by letter of 17 July 2012;

1. Declares that it has no objections to the Delegated Regulation;

2. Instructs its President to forward this decision to the Council and the Commission.

[1] OJ L 299, 16.11.2007, p. 1.

Wednesday 12 September 2012

Annual report from the Council to the European Parliament on the Common Foreign and Security Policy

P7_TA(2012)0334

European Parliament resolution of 12 September 2012 on the Annual Report from the Council to the European Parliament on the Common Foreign and Security Policy (12562/2011 - 2012/2050(INI))

(2013/C 353 E/11)

The European Parliament,

— having regard to the Annual Report from the Council to the European Parliament on the Common Foreign and Security Policy (12562/2011),

— having regard to Article 36 of the Treaty on European Union,

— having regard to the Interinstitutional Agreement of 17 May 2006 Part II, Section G, paragraph 43 ([1]),

— having regard to the abovementioned Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management,

— having regard to its resolutions of 11 May 2011 ([2]) and 10 March 2010 ([3]) on the 2010 and 2009 CFSP annual reports respectively,

— having regard to its resolution of 8 July 2010 ([4]) on the European External Action Service,

— having regard to the declaration by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on political accountability ([5]),

— having regard to the statement made by the High Representative to the European Parliament meeting in plenary on 8 July 2010 on the basic organisation of the European External Action Service (EEAS) central administration ([6]),

— having regard to its resolution of 18 April 2012 on the Annual Report on Human Rights in the World and the European Union's policy on the matter, including implications for the EU's strategic human rights policy ([7]),

— having regard to the Joint Communication of the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission to the European Parliament and the Council of 12 December 2011 entitled 'Human rights and democracy at the heart of EU external action – Towards a more effective approach' (COM(2011)0886),

([1]) OJ C 139, 14.6.2006, p. 1.
([2]) Texts adopted, P7_TA(2011)0227.
([3]) OJ C 349 E, 22.12.2010, p. 51.
([4]) OJ C 351 E, 2.12.2011, p. 454.
([5]) OJ C 351 E, 2.12.2011, p. 470.
([6]) OJ C 351 E, 2.12.2011, p. 472.
([7]) Texts adopted, P7_TA(2012)0126.

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— having regard to UN Security Council Resolutions 1325 (2000) and 1820 (2008) on women, peace and security, to UN Security Council Resolution 1888 (2009) on sexual violence against women and children in situations of armed conflict, to UN Security Council Resolution 1889 (2009) aiming to strengthen the implementation and monitoring of UN Security Council Resolution 1325 and to UN Security Council Resolution 1960 (2010), which created a mechanism for compiling data on, and listing perpetrators of, sexual violence in armed conflict,

— having regard to Rule 119(1) of its Rules of Procedure,

— having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Budgets (A7-0252/2012),

A. whereas the EU should develop its foreign policy objectives further and advance its values and interests worldwide with the overall aim of contributing to peace, human security, solidarity, conflict prevention, the rule of law and the promotion of democracy, the protection of human rights and fundamental freedoms, gender equality, respect for international law, support for international institutions, effective multilateralism and mutual respect among nations, sustainable development, transparent and accountable governance, free and fair trade and the eradication of poverty;

B. whereas in order to achieve these goals the EU should be able to create synergies and develop strategic partnerships with those countries that share the same values and are willing to adopt common policies and engage in mutually agreed actions;

C. whereas the implementation of the Lisbon Treaty is bringing a new dimension to European external action and will be instrumental in enhancing the coherence, consistency and effectiveness of EU foreign policy and, more broadly, external actions; whereas lessons must be learned from the European Union and its Member States' past failures in re-shaping its external action, while enshrining human rights and democracy at the heart of its policies and promoting transition in countries with authoritarian regimes, in particular where stability and security concerns have compromised a principled policy of promoting democracy and human rights;

D. whereas the Lisbon Treaty is creating a new momentum in EU foreign policy, notably providing institutional and operational tools which could enable the Union to take on an international role compatible with its prominent economic status and its ambitions and to organise itself in such a way as to be an effective global player, able to share responsibility for global security and take the lead in defining common responses to common challenges;

E. whereas the ongoing financial and sovereign debt crisis is deeply affecting the credibility of the European Union in the international arena and undermining the effectiveness and the long-term sustainability of the Common Foreign and Security Policy (CFSP);

F. whereas the new momentum in European external action also requires the EU to act more strategically so as to bring its weight to bear internationally; whereas the EU's ability to influence the international order depends not only on coherence among its policies, actors and institutions, but also on a real strategic concept of EU foreign policy, which must unite and coordinate all Member States behind the same set of priorities and goals so that they speak with a strong single voice and show solidarity in the international arena; whereas the EU's foreign policy must be provided with the necessary means and instruments in order to enable the Union to act effectively and consistently on the world stage;

G. whereas scrutiny of EU foreign policy, exercised by the European Parliament and national parliaments at their respective levels, is essential if European external action is to be understood and supported by EU citizens; whereas parliamentary scrutiny enhances the legitimacy of this action;

Wednesday 12 September 2012

ASSESSMENT OF THE 2010 COUNCIL ANNUAL REPORT ON CFSP

1. Welcomes the steps taken by the Council, with the support of the Vice-President of the European Commission/ High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), in the 2010 Annual Report, towards mapping the Union's foreign policy in a forward-looking and strategic policy document;

2. Believes, however, that the Council's Annual Report falls short of the ambitions of the Lisbon Treaty in important ways, which include: not giving a clear sense of medium and longer term priorities or strategic guidelines for the CFSP; not clarifying the policy mechanisms for ensuring coherence and consistency among the different components of foreign policy, including those under the responsibility of the Commission; not addressing important questions on the role of the EEAS and the Delegations in ensuring that the Union's resources (personnel, financial and diplomatic) are aligned with its foreign affairs priorities; and avoiding a discussion, the holding of which is implied in the new strategies for the Horn of Africa and the Sahel, on how to embed ad hoc Common Security and Defence Policy (CSDP) missions and operations (their rationale and end-state) in the political-strategic framework of EU foreign policy priorities for a country or region;

3. Recalls its Treaty prerogative to be consulted in the CFSP and CSDP spheres, to have its views duly taken into account and to make recommendations; recognises, in this regard, the availability of the VP/HR to Parliament; considers, however, that with the entry into force of the Lisbon Treaty, improvements could be made on informing the competent committee on the outcome of Foreign Affairs Councils as well as in consulting Parliament in order to ensure that its views are duly taken into consideration prior to the adoption of mandates and strategies in the area of CFSP; looks forward to the review of the external assistance instruments and to an outcome that recognises Parliament's rights over strategy papers and multiannual action plans, as established in Article 290 of the TFEU; calls, furthermore, for improved provision of information and consultation with Parliament at all stages of the procedure for CFSP Council Decisions on agreements with third countries, especially before deciding to mandate the Commission or the VP/HR to negotiate and sign agreements on behalf of the Union and when it comes to frameworks for the participation of third countries in EU crisis management operations;

4. Calls on the Council, when drawing up future Annual CFSP Reports, to engage at an early opportunity with the Committee on Foreign Affairs in order to discuss the broad policy framework for the coming year, and the longer-term strategic objectives, and to establish a benchmark for providing European citizens with a clear statement on the evolution, priorities and progress of the European Union's foreign policy;

A NEW COMPREHENSIVE APPROACH TO THE EU'S FOREIGN POLICY

5. Points out that in the second decade of the twenty-first century there is a growing awareness amongst Europe's citizens, and further afield, that only comprehensive approaches that integrate diplomatic, economic, development and – in the last resort and in full compliance with the provisions of the UN charter – military means are adequate for addressing global threats and challenges;

6. Believes that with the Lisbon Treaty the EU has all the means necessary to adopt a comprehensive approach such as this, whereby all the Union's diplomatic and financial resources are used to back common strategic policy guidelines in order to have the greatest possible leverage in promoting the security and economic prosperity of European citizens and their neighbours, as well as fundamental rights; calls, in addition, for the further development of an appropriate mechanism in the EEAS, with the participation of the relevant Commission services, where geographic and thematic expertise are integrated and drive a comprehensive approach to policy planning, formulation and implementation;

7. Stresses that a comprehensive understanding of CFSP covers all areas of foreign policy, including the progressive framing of a Common Security and Defence Policy (CSDP) that might lead to a common defence, with an emphasis on pursuing coherence and consistency whilst respecting the specificity of each component of external action; reiterates that such an approach to developing EU foreign policy must be based on the principles and objectives established in Article 21 of the Treaty on European Union, meaning that EU external action must be inspired by the promotion and protection of EU values, such as the respect for human rights, freedom, democracy and the rule of law; stresses, at the same time, the importance of closer coordination between the internal and external dimensions of the EU's security policies, which should be reflected in the external action of the Union;

8. Notes that 2013 will mark the passing of a decade since the adoption of the European Security Strategy and, consequently, underlines the need to update and consolidate this framework document in accordance with the current international environment;

THE FOREIGN POLICY ARCHITECTURE

9. Underlines the role of political leadership expected of the VP/HR in ensuring the unity, coordination, consistency, credibility and effectiveness of action by the Union; calls on the VP/HR to use to the full and in a timely manner her powers to initiate, conduct and ensure compliance with the CFSP, involving Parliament's relevant bodies fully in that endeavour; welcomes the important lead role, on behalf of the international community, played under difficult circumstances by the VP/HR in the negotiations with Iran; takes into account the important historical relationship between European and Iranian peoples; calls for leadership in enhancing the Union's role in support of the European Neighbourhood, in light of the Arab Spring, particularly the democratic transition processes in the Southern Mediterranean, including through the new European Endowment for Democracy, as well as in the stalled Middle East peace process;

10. Recognises the essential role of the EEAS (including its Delegations and EU Special Representatives) in assisting the VP/HR in pursuing a more strategic, coherent and consistent political approach to the Union's external action; affirms its intention to continue monitoring the geographic and gender balance of staff in the EEAS, including in senior positions, and to assess whether the appointment of Member State diplomats as Heads of Delegation and other key positions is in the interests of the Union, not solely of their Member States; stresses the importance of having a fully functional and efficient EEAS and of strengthening relations between the EEAS, the Commission and the Member States with a view to achieving synergies in the effective implementation of external action and in delivering a single EU message on key political issues;

11. Stresses that the role of EU Special Representatives (EUSRs) should be complementary to and consistent with the country-specific work of EU Heads of Delegations, and should represent and coordinate EU policy towards regions with specific strategies or security interests that require a continuous EU presence and visibility; welcomes the positive response by the VP/HR to having newly appointed EUSRs and Heads of Delegation appear before Parliament for an exchange of views before taking up their posts; calls for improved reporting and access to political reports from Delegations and EUSRs in order for Parliament to receive full and timely information on developments from the ground, particularly in areas considered to be strategically important or the focus of political concern;

12. Reiterates its position that important thematic policies previously covered by Personal Representatives should have the full support of the EEAS and appropriate external political representation, and therefore calls for proposals to be put forward such as that for Human Rights;

13. Welcomes the decision for the appointment of an EU special representative for human rights that should have a substantial mandate to mainstream human rights across CFSP, CSDP and other EU policies and to provide visibility and coherence to the EU's action in this field;

14. Believes that clearly defined strategic guidelines will help tailor the Union's important but finite financial resources to the ambitions and priorities of the Union's external action; stresses that a strategic approach such as this should be under democratic control, but that this should not inhibit or slow down the flexibility to respond to changing political circumstances on the ground;

15. Welcomes the commitment of the Member States in the Lisbon Treaty to play their full role in developing and implementing the EU's foreign policy and in ensuring coordination and consistency with other policies of the Union; stresses the importance of the Member States' solidarity, during a time of economic constraints, when it comes to improving the effectiveness of the Union as a cohesive global actor; notes, in particular, the importance of the Member States' making available civilian and military capabilities for the effective implementation of the CSDP; regrets, nevertheless, that on many occasions the bilateral relations of some Member States with third countries still overshadow or undermine the consistency of EU action, and calls, in this respect, for more effort by Member States to align their external policies with the CFSP;

16. Calls on the VP/HR, while strengthening systematic cooperation between all Member States under the CFSP, to explore fully the possibilities provided by the Lisbon Treaty for enhanced cooperation, including the production of guidelines for the systematic consignment of specific tasks and missions to a coalition of the willing, such as a 'core group' of EU states, as well as to start the process that will lead to European Council conclusions on Permanent Structured Cooperation in the area of security and defence and on the implementation of the mutual defence clause;

FOREIGN POLICY – BUDGETARY AND FINANCIAL ARCHITECTURE

17. Recalls that the revision of the 2006 Interinstitutional Agreement on budgetary discipline and sound financial management should mark a further step towards greater transparency in the area of CFSP, and the provision of relevant information to the budgetary authority, in accordance with the VP/HR's Declaration on Political Accountability; believes, in this regard, that full transparency and democratic scrutiny require separate budget lines for each and every CSDP mission and operation, and for each and every EUSR, accompanied by streamlined but transparent procedures for the transfer of funds from one item to another if circumstances so require; is, at the same time, convinced that the necessary flexibility and reactivity required for the CFSP should not be infringed upon;

18. Insists that the EU's resources available for the implementation of the CFSP should be used as efficiently as possible and, therefore, that the synergy between the external actions of the EU and its Member States should be achieved in both political and budgetary terms;

19. Considers that the Athena mechanism for financing the common costs of EU-led military and defence operations does not provide a sufficient overview of all the financial implications of missions conducted under the CFSP, and calls, therefore, for a clear list of all expenditures;

20. Welcomes the greater emphasis on consistency and coherence across the range of the Union's financial instruments, for example in the form of the cross-cutting provisions on the EEAS in the proposed regulations for new external relations financial instruments for the period 2014-2020; believes that such an approach will demonstrate the Union's added value in the pursuit of security and prosperity for the citizens of Europe; stresses, in this regard, that the financial instruments should be used in a complementary manner across the comprehensive range of the Union's foreign policy, without duplication;

21. Stresses the importance of ensuring that the new external relations financial instruments under consideration by Parliament and the Council are tailored and funded adequately to respond to the strategic interests of the Union and that they are adaptable to changing political circumstances; calls, therefore, for the Union's budget (the Multiannual Financial Framework 2014-2020) to be properly resourced, in line with the ambitions and priorities of the Union as a global actor, such that it provides a secure and prosperous future for citizens as well as offers the necessary flexibility to cope with unforeseen developments;

22. Believes that a more joined-up and comprehensive approach to applying the EU's external relations instruments in support of common political and strategic objectives will deliver more efficient and cost-effective responses to foreign and security policy challenges, and hence more security and prosperity for the citizens of Europe; stresses that in order for Parliament to reassure citizens about the coherence and cost-effectiveness of the external policies and financial instruments of the Union, the powers bestowed upon it by the Treaties (notably under Article 290 TFEU) must be properly reflected in the revision of the financial instruments, and in particular in the use of delegated acts for strategic programming documents;

23. Takes the view that, in order to be consistent with the Union's own values, the financial instruments that promote, *inter alia*, peace-building, security, democracy, the rule of law, good governance and fair societies should be strengthened as they are strategic tools of EU foreign policy and external action in addressing global challenges.

24. Stresses the importance of ensuring coherence between policy planning, formulation and implementation through an appropriate mix of external financial instruments in the area of foreign affairs; calls, among other things, for continued complementary between the CFSP and the Instrument for Stability in the areas of mediation, conflict prevention, crisis management and post-conflict peace-building, as well as for further work towards complementarity with the geographical instruments for long-term engagement with a country or region; welcomes the introduction of a new Partnership Instrument, as requested by Parliament, which brings important added value to the EU's CFSP by providing a financial framework for cooperation of the EU with third countries on objectives which arise from the Union's bilateral, regional or multilateral relationships but are outside of the scope of the Development Cooperation Instrument;

25. Believes that such an approach can be aided by the establishment of clear benchmarks, which should be monitored and evaluated by Parliament over the short, medium and long term; calls for benchmarking of the EU's foreign policy, drawing upon existing strategic programming documents or strategic policy frameworks (such as those in place for the Horn of Africa or the Sahel), including a more systematic and quantifiable definition of policy priorities and objectives, and of the resources to be used, over precise timelines in the short, middle and long term;

26. Believes that a comprehensive approach to the Union's external action necessitates, *inter alia*, greater alignment and mutual reinforcement of the CFSP and the European Neighbourhood Policy (ENP); welcomes, in this context, the joint policy response of the Commission and the EEAS to events in the Southern Neighbourhood, exemplified by the 'Joint Communication' of 25 May 2011; believes, furthermore, that multilateral structures of the ENP ought to be consolidated and developed more strategically, so as to effectively advance the foreign policy priorities of the Union; contends that, given the centrality of 'effective multilateralism' in the Union's external action, the EEAS and the Commission should explore the viability of the ENP's multilateral track to serve as a framework for organising political relations in the wider Europe;

STRATEGIC PRIORITIES: CONCENTRIC CIRCLES OF PEACE, SECURITY AND SOCIO-ECONOMIC DEVELOPMENT

27. Believes that the strategic interests, objectives and general guidelines to be pursued through the CFSP must be founded upon delivering peace, security and prosperity for the citizens of Europe and beyond, first of all in our neighbourhood, but also further afield, guided by the principles which inspired the creation of the EU itself, including democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, equality and solidarity, and respect for international law and the United Nations Charter, including the exercise of the responsibility to protect;

28. Continues to support the potential enlargement of the European Union to any European state which respects the Union's values and is committed to promoting them, and which is willing and able to fulfil the accession criteria;

29. Notes that the Union has developed relationships over time with countries and regional organisations that have differing contractual and legal bases, some having been termed 'strategic'; observes that there is no clear formula for determining the Union's choice of a strategic partner and that, when such choices are made, Parliament is neither informed nor consulted; notes that leveraging genuine and accountable bilateral relationships can be an important force multiplier for EU foreign policy, both regionally and within multilateral fora, and that the choice of strategic partners therefore deserves careful reflection in the light of the values and strategic objectives the Union wants to project;

30. Believes, therefore, that future decisions on strategic partners should carefully be framed in accordance with the foreign policy priorities of the Union, either vis-à-vis a given country or region or in international fora, and that due consideration should be given to ending partnerships that become obsolete or counter-productive; calls, therefore, for a follow-up debate with Parliament on the September 2010 European Council discussion on the strategic partnerships and for Parliament to be regularly informed ahead of decisions on future partnerships, particularly where such partnerships receive financial support from the Union budget or entail a closer contractual relationship with the EU;

31. Takes the view that, in order for the Union to be effective in delivering peace, security and socio-economic development to citizens in a highly competitive, changing and unpredictable international political order, it is important to focus the Union's limited resources on strategic priorities, starting from the challenges closer to home, particularly in the enlargement countries, the neighbourhood, and extending outwards in concentric circles, including, where relevant, the role and relative influence of regional organisations;

32. Believes that respecting the commitments made in the framework of enlargement, and demonstrating a responsibility for our neighbourhood, will strengthen the credibility of the Union's global reach; reconfirms the EU's commitment to effective multilateralism, with the United Nations system at its core, and stresses the importance of working with other international partners in responding to international crises, threats and challenges;

The Western Balkans

33. Supports the EU's strategies towards the Western Balkans, including the prospect of EU enlargement, promoting democratisation, stabilisation, peaceful conflict resolution and socio-economic modernisation of both individual countries and the region as a whole; notes with concern that political instability, institutional weaknesses, widespread corruption, organised crime and unresolved regional and bilateral issues are hampering further progress of some countries towards EU integration; calls, therefore, on the EU to address these issues more vigorously in the integration process, in line with the UN Charter, as well as to strengthen its central role in the region;

34. Reiterates its support for improving the accession process of the Western Balkans by making it more benchmark-driven, transparent and mutually accountable and by introducing clear indicators; calls on the EU to make fresh, convincing and genuine efforts in order to revitalise the enlargement process as well as to continue to prioritise the following conditions: constructive political dialogue, good neighbourly relations, economic development, consolidation of the rule of law, including ensuring the freedom of expression and respect for the rights of persons belonging to national minorities, the effective fight against corruption and organised crime, enhancing the effectiveness and independence of the judiciary, improving administrative capacities to enforce acquis-related legislation, tackling inter-ethnic and inter-religious tensions, and addressing the situation of refugees and displaced persons as well as the resolution of open bilateral and regional issues;

35. Considers it essential, furthermore, for EU foreign policy towards a region with a recent history of inter-ethnic armed conflict to promote a climate of tolerance, respect for the rights of persons belonging to minorities, anti-discrimination policies and legislation, good neighbourly relations and regional cooperation – including through more integrated education systems (intra-regional exchanges of students) – and scientific collaboration, as prerequisites for European stability and as a means of facilitating reconciliation;

36. Welcomes the reconfiguration of the EULEX mission and its refocusing on the rule of law and the executive mandate; expects it to be fully operational all over the territory of Kosovo, including in the North, and to step up the fight against corruption at all levels, including against organised crime;

Turkey

37. Welcomes the Commission's positive agenda for EU-Turkey relations; is concerned about the situation in a number of areas, notably as regards freedom of expression, the rule of law, women's rights in Turkey, the slow progress towards a new civilian constitution and, in addition, the polarisation of Turkish society; encourages Turkey to speed up the reform process; points out that Turkey is not only a candidate country but also an important strategic partner and NATO ally; calls, therefore, for the existing political dialogue with Turkey on foreign policy choices and objectives of mutual interest to be reinforced; stresses the importance of encouraging Turkey to pursue its foreign policy in a framework of good neighbourly relations, close dialogue and coordination with the European Union in order to create valuable synergies and reinforce the potential for a positive impact, particularly regarding the support for the reform process in the Arab world; hopes that the conditions will improve for the opening of further chapters in the membership negotiations (e.g. ratification and implementation of the Ankara Protocol);

The Southern Neighbourhood and the Middle East

38. Calls for the principles underlying the new ENP approach, as set out by the VP/HR and the Commission in the Joint Communication of 25 May 2011, in particular the 'more-for-more', the differentiation and the mutual accountability principles as well as the 'partnership with society', to be fully operational and for Union assistance to be fully aligned to this new approach; recalls that the Joint Communication 'Delivering on a new European Neighbourhood Policy' of 15 May 2012 lists the following challenges faced by the countries of the region: sustainable democracy, inclusive economic development and growth, mobility, regional cooperation and the rule of law;

39. Recalls that the Southern Neighbourhood is of vital importance to the European Union, stresses the need to strengthen the partnership between the EU and the countries and societies of the Neighbourhood in assisting the transition to consolidated democracies, and urges that a better balance be struck between pursuing, on the one hand, market-oriented and, on the other, human and social approaches in the EU's response to the Arab Spring; calls, therefore, for a greater focus on human rights, the rule of law, employment (especially youth unemployment), education, training and regional development, in order to help alleviate the current social and economic crisis in these countries, and to provide the assistance needed to support the strengthening of good governance and democratic political reforms as well as social and economic development; underlines, in addition, the importance of supporting institutional capacity-building and effective public administration, including for the parliaments of these countries, an independent judicial system, the strengthening of civil-society organisations and independent media, and the formation of pluralist political parties within as secular a system as possible in which women's rights are fully respected, and where there are marked improvements in the respect of key fundamental rights, such as the right to freedom of religion, in its individual, collective, public, private and institutional aspects;

40. Reiterates that economic, political, social, cultural or any other type of relations between the EU and the ENP countries must be based on equality of treatment, solidarity, dialogue and respect for the specific asymmetries and characteristics of each country;

41. Considers that the assessment of overall progress made by partner countries must be based on mutual transparency, and should be based on the level of commitment to reform and on clearly defined, and jointly agreed, benchmarks that set out timetables for the implementation of reforms as provided for in the action plans; these benchmarks should be the basis for regular and, where possible, joint monitoring and evaluation that include a full role for civil society, in order to ensure effective and transparent implementation of policies;

42. Highlights the importance of the Union for the Mediterranean as an instrument for the institutionalisation of the relations with the Southern Neighbourhood; underlines the need to overcome the paralysis in which this organisation was plunged; welcomes the changes made concerning the European co-presidency, and hopes that the new Secretary General's dynamism will contribute to push forward the identified projects;

43. Recalls the EU's commitment to the Middle East peace process, and 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;

44. Recalls that solving the conflict in the Middle East is a fundamental interest of the European Union, as well as of the parties themselves and the wider region; stresses, therefore, that the need for progress in the peace process is even more urgent due to the ongoing changes in the Arab world;

Iran

45. Supports the Council's twin-track approach aimed at finding a diplomatic solution as the only viable approach to the Iranian nuclear issue; reminds that the sanctions are not an end in themselves; urges the EU3+3 and Iran to continue to participate at the negotiating table and calls on the negotiators to forge an agreement; reminds that, in accordance with a central tenet of the NPT, Iran has the right to enrich uranium for peaceful purposes and to receive technical assistance for the same objective; is concerned that military action might happen and calls for all sides to work for a peaceful resolution and urges Iran to respect the Non-Proliferation Treaty and the UN resolutions and to cooperate fully with the IAEA;

46. Furthermore, calls on the Council to consider positive measures, if Iran commits itself to capping uranium enrichment at below 5 %, exporting all stocks of uranium above this level for reprocessing into fuel rods for civilian nuclear purposes, and fully opening all aspects of its nuclear programme to the International Atomic Energy Agency (IAEA), so that the IAEA can verify that Iran's nuclear programme is entirely civilian; calls on the VP/HR and the Council to reopen the diplomatic negotiations on other issues of mutual interest to the EU and Iran, such as regional security, human rights, and the situation in Syria, Afghanistan, Iraq and the Persian Gulf; calls on Iran to play a constructive role in regional security;

47. Calls, therefore, for a sustained and persistent effort by the VP/HR and the Council to demand strongly that Iran respect human rights; stresses the need for EU policy towards Iran to express solidarity with all those resisting repression and fighting for basic freedoms and democracy; insists that an EU presence on the ground could ensure that the Member States, as well as the EU, are properly evaluating the evolution in every field and are communicating with the Iranian authorities; considers that the opening of an EU delegation in Tehran could take place at an appropriate moment in the development of EU-Iranian relations;

Libya

48. Calls on the VP/HR to ensure fast deployment in Libya of enough staff and institutional expertise to assist Libya in meeting its needs, and to respond to Libya's demands in the fields of capacity building, governance, civil society and development; urges the EU to support the democratic transition in Libya in all fields, and calls on the VP/HR to ensure that the Member States act in a coordinated manner, consistent with EU principles and values and with the strategic interests in meeting Libya's needs and requests;

Syria

49. Urges the VP/HR, the Council and the Member States to invest themselves in seeking a solution to the crisis in Syria; calls on the VP/HR to ensure that the Member States act in a united and coordinated

manner at the UN Security Council, which constitutes the appropriate forum to discuss a potential international and UN-backed intervention in Syria; urges, furthermore, the VP/HR to step up efforts to exert diplomatic pressure on Russia and China to unblock the stalemate with respect to Syria at the Security Council; calls on the VP/HR and the Commission to explore all ways to provide and reinforce humanitarian assistance in response to needs in those neighbouring countries that, in particular through the influx of refugees, are most affected by the crisis in Syria;

The Eastern Neighbourhood

50. Recalls that the Eastern Neighbourhood is of strategic importance; calls for greater efforts, and a greater political commitment, to achieve the objectives of the Eastern Partnership – as stated in the Prague Declaration and the Warsaw Summit Conclusions, and recalled in the Joint Communication 'Eastern Partnership: A Roadmap to the Autumn 2013 Summit' of 15 May 2012 – including, in particular, accelerating political association and economic integration, and enhancing mobility for citizens in a secure and well-managed environment; is of the opinion that the Union should, in particular, pursue the negotiations on, and conclusions of, association agreements with the Eastern Partners that promote mobility through mobility partnerships and visa dialogues and that ensure continued progress in adoption and implementation of reforms, in close association with the EURONEST Parliamentary Assembly; highlights that all decisions shall be accompanied by the allocation of adequate financial resources, and calls for an improvement in addressing these issues within the Partnership for Modernisation;

51. Regrets, nevertheless, that the overall situation concerning democratic standards and the respect for human rights in the Eastern Partnership countries has hardly made any progress; stresses, furthermore, that the full development of the Eastern Partnership can only take place once all the frozen conflicts are solved; calls, in this respect, for a more active involvement of the EU in the relevant peace-processes with a view to starting credible initiatives aimed at overcoming the current stalemates, facilitating the resumption of dialogue between the parties and creating the conditions for comprehensive and lasting settlements;

52. Calls for stronger engagement of the EU, in cooperation with regional partners, in the resolution of the 'frozen conflicts' taking place on the territories of the Eastern Partnership countries, in particular breaking the deadlock on South Ossetia and Abkhazia, and on the Nagorno-Karabakh conflict and playing a full role in support of any ensuing peace agreement; believes that the Transnistrian question could be a good test-case for the good will of the regional partners;

Moldova

53. Welcomes the multi-dimensional efforts of the Republic of Moldova to get closer to the EU, in particular by making progress in domestic political reforms and by taking substantive and positive steps in the '5+2' negotiations on the Transnistrian conflict;

Ukraine

54. Underlines that whilst the EU-Ukraine Agreement has been initialled, its signature and ratification can only happen if Ukraine fulfils the necessary requirements, that is, if it ensures respect for minority rights, enforces the rule of law – by strengthening the stability, independence and effectiveness of the institutions that guarantee it – and by showing respect for the rights – and ending the persecution – of the opposition, thus establishing a truly pluralistic democracy; calls on the VP/HR and the Commission to guarantee sufficient financial means to support the additional election monitoring missions planned for the upcoming parliamentary elections in Ukraine; calls on the Ukrainian Parliament to amend the penal code, which dates back to Soviet times, by removing criminal sanctions for clear political acts carried out by state functionaries acting in an official capacity;

Belarus

55. Calls on the Belarus authorities to release all political prisoners; calls for the development of relations with the Belarus authorities to be conditional on progress towards respect for the principles of democracy, the rule of law and human rights; recalls that there cannot be any progress on EU-Belarus dialogue until all political prisoners are released and rehabilitated; welcomes, at the same time, the efforts by the EU and its Delegation in Minsk to reach out to, and engage more with, Belarusian society, i.a. by means of 'a European Dialogue for modernisation', facilitated procedures for visa delivery and increased participation by Belarusian citizens in EU programmes;

South Caucasus

56. Notes the significant progress made in the framework of the Eastern Partnership to strengthen the European Union's relations with Armenia, Azerbaijan and Georgia; calls for further steps to deepen the relations between the EU and the three South Caucasus countries;

Black Sea Strategy

57. Underlines the strategic importance of the Black Sea region for the Union, and calls again on the Commission and the EEAS to draw up a strategy for the Black Sea region that defines an integrated and comprehensive EU approach to address the challenges and opportunities of the region;

Russia

58. Supports the Union's policy of critical engagement with Russia; considers Russia to be an important strategic partner and neighbour, but continues to have concerns regarding Russia's commitment to the rule of law, pluralist democracy and human rights; deplores, in particular, the continuous intimidation, harassment and arrests of the representatives of opposition forces and non-governmental organisations, the recent adoption of a law on the financing of NGOs, and the increasing pressure on free and independent media; calls, in this regard, on the EU to remain constant in its demands that the Russian authorities meet its responsibilities as member of the Council of Europe and the OSCE; emphasises that strengthening the rule of law in all areas of Russian public life, including the economy, would be a constructive response to the growing discontent expressed by many Russian citizens, and is needed for building a genuine and constructive partnership between the EU and Russia; underlines the willingness of the EU to contribute to the Partnership for Modernisation and to any successor to the current Partnership and Cooperation Agreement that is linked to Russia's progress regarding human rights, rule of law and pluralist democracy;

59. Takes the view that the recent sentencing of three members of the feminist punk collective Pussy Riot to two years in a penal colony for 'hooliganism motivated by religious hatred' is part of a clampdown on political dissent and opposition forces that further shrinks Russian democratic space and deeply undermines the credibility of Russia's judicial system; strongly condemns this politically motivated verdict and expects this conviction to be overturned on appeal, with the release of the three Pussy Riot members;

60. Believes that the best basis for a closer partnership should be an ambitious and comprehensive new Partnership and Cooperation Agreement that includes chapters on political dialogue, trade and investments, energy cooperation, dialogue on human rights, justice, freedom and security areas; emphasises the need for building a genuine partnership between the EU and Russian societies, and welcomes, in this context, the progress achieved in the implementation of the 'Common steps towards visa-free travel' agreed on between the EU and Russia;

61. Calls on the VP/HR and the Council to work with Russia and China to overcome divergences – including within the United Nations Security Council – on the assessment of the situation in Syria, with the common goals of breaking the cycle of violence, avoiding a civil war and finding a lasting peaceful solution in Syria; welcomes the cooperation with Russia in EU3+3 negotiations with Iran to prevent Iran from acquiring nuclear weapons;

62. Calls on Russia to enhance stability, political cooperation and economic development while respecting the sovereign right of each party to make its own security arrangements; urges Russia to respect the territorial and constitutional integrity of regional neighbours and to join the international consensus in the United Nations with respect to emerging democracy;

63. Emphasises that as Member States set about connecting and integrating their national markets through investments in infrastructure and the approval of common regulations, continuous efforts should also be made to collaborate with Russia in order to identify creative and mutually acceptable measures to reduce discrepancies between the two energy markets;

64. Is concerned about the recent over-militarisation of the Kaliningrad area which is causing mounting insecurity around the area of the EU;

Central Asia

65. Supports the EU's promotion of a regional approach in Central Asia, which is essential to tackling the regional dimension of issues, including organised crime, trafficking (in drugs, radioactive materials and human beings), terrorism, natural and manmade environmental disasters, and the management of water and energy resources; regrets, nevertheless, the lack of substantial progress, due only partly to the limited financial resources available; calls, therefore, for such engagement to be firm and conditional ('more for more') on progress in democratisation, human rights, good governance, sustainable socio-economic development, the rule of law and the fight against corruption; underlines that a regional approach should not undermine individual efforts for more advanced states; notes that the EU Cooperation Strategy for Central Asia identifies seven priorities but provides resources that are too limited to have an impact in all policy areas; calls on the EU to define priorities better in accordance with the resources available; recalls the importance of the region in terms of economic cooperation, energy and security, but stresses that it is important to ensure that development cooperation is not subordinated to economic, energy or security interests; underlines, nevertheless, the importance of the EU dialogue with Central Asian countries on regional security matters, in particular in the context of the situation in Afghanistan and a possible escalation in Uzbek-Tajik relations; suggests that the EU looks into possibilities to pool resources with the Member States active in the region;

66. Notes that the overall situation as regards human rights, labour rights, lack of support for civil society and the status of the rule of law remain worrying; calls for the human rights dialogues to be strengthened and made more effective and result-oriented, with the close cooperation and involvement of civil society organisations in the preparation, monitoring and implementation of such dialogues; calls on the EU and the VP/HR to raise publicly the cases of political prisoners and imprisoned human rights defenders and journalists and to call for the immediate release of all political prisoners and for fair and transparent legal procedures for the others; calls for the Rule of Law Initiative to improve transparency towards civil-society organisations and to include clear objectives to make possible a transparent assessment of its implementation and results;

67. Notes that the energy- and resource-rich Central Asian countries provide a potentially significant source for the EU's diversification of sources and routes of supply; notes that the EU is a reliable consumer and that producer countries need to demonstrate their reliability as suppliers to consumer countries and foreign investors by, *inter alia*, establishing a level playing field for national and international corporations according to the rule of law; calls on the EEAS and the Commission to continue to support energy projects and promote communication on important goals such as the Southern Corridor and the trans-Caspian pipeline, without neglecting the principles of good governance and transparency as win-win elements in energy cooperation between the EU and partner countries;

68. Stresses that the exploitation and management of natural resources with regard to, in particular, water are still a matter of contention in the region, and a source of instability, tension and potential conflict; welcomes, in this regard, the Water Initiative launched by the EU in Central Asia, but calls for a more effective and constructive dialogue between upstream mountainous countries and downstream countries, with a view to achieving sound and sustainable ways of dealing with water issues and to adopting comprehensive and long-lasting water-sharing agreements;

Afghanistan

69. Is concerned about the resurgence of violence following the breakdown of peace negotiations; highlights the importance of a sub-regional, Central Asian approach to tackling cross-border trafficking in people and goods, and to fighting the illegal production and trafficking of drugs, a basic source of funding for organised crime and terrorism; calls for improved cooperation among those Member States participating in NATO's ISAF mission to ensure that the intervention is efficient; calls for efforts to support the capacity building of the Government of the Islamic Republic of Afghanistan and its National Security Forces, and to help the wider population with agricultural and socio-economic development, to be stepped up in order for the country to assume full responsibility for its own security following the completion of the transfer of internal security to the Afghan forces by the end of 2014;

70. Takes note, with great concern for the affected population, that the military intervention in Afghanistan has not resulted in the building of a viable state with democratic structures, an improvement in living conditions for the majority – in particular for women and girls – or the substitution of narcotics production by other forms of agriculture, but has instead embroiled the country in an unprecedented level of corruption; calls on the EU and the Member States, in view of the accelerated withdrawal of European troops, to prepare, as a priority, a safety plan for those Afghans who have closely supported EU state building efforts, and whose existence could be threatened by the departure of European forces, notably women's activists; calls on the EEAS to make an honest evaluation of the EU's and the Member States' policy in Afghanistan since 2001 and to present, by the end of the year, a realistic plan of future EU activities in the region;

71. Emphasises the need for reinforced cooperation with countries like Russia, Pakistan, India and Iran when addressing challenges in Afghanistan, especially those related to drug-trafficking, terrorism and the risk of spillover to neighbouring countries and the region;

The Americas

USA

72. Strongly believes that the USA is the most important strategic partner for the EU; urges, therefore, the EU to give clear political priority to deepening the transatlantic relations on all levels;

73. Underlines the utmost importance of transatlantic relations; takes the view that regular EU-US summits would provide an opportunity to identify common objectives, and to coordinate strategies on threats and challenges of global relevance, including, *inter alia*, economic governance, and on developing a common approach towards the emerging powers; welcomes the report of High Level Working Group on Jobs and Growth; considers that the Transatlantic Economic Council (TEC) and the Transatlantic Legislators Dialogue (TLD) should include a reflection on strategic engagement by the EU and the US with the BRICS and other relevant emerging countries, as well as with ASEAN, the African Union, Mercosur, the Andean Community and CELAC on how to foster regulatory convergence with such countries; underlines the importance of the TEC, as the body responsible for enhancing economic integration and regulatory cooperation, and the TLD, as a forum for parliamentary dialogue and for coordinating parliamentary work from both sides on issues of common concern, especially legislation relevant for the transatlantic market; recalls the need to set up, with no further delay, a Transatlantic Political Council as an ad hoc body for systematic, high-level consultation and coordination on foreign and security policy issues between the EU and the USA in parallel with NATO;

74. Notes that the USA is progressively shifting its primary attention, political and economic investment and military resources to the Pacific, reflecting the increasing global and regional relevance of China, India and other emerging countries in Asia; notes, furthermore, that Asia should have a more important place on the foreign agenda of the EU and the Member States; calls, therefore, for greater coordination of US and EU policies towards China, India and other emerging countries in Asia in order to avoid a decoupling of their respective approaches to key policies;

75. Believes that the USA will continue to make a vital contribution to the collective security of the Euro-Atlantic area, and reaffirms the unchangeable and critical relevance of the transatlantic security link; points out that, in the changing geostrategic and economic situation, building stronger European security and defence capabilities represents an important way of strengthening the transatlantic link;

Latin America

76. Calls for the EU-Latin America political dialogue to be widened at all levels, including the summits of heads of states and the EUROLAT Parliamentary Assembly, as an important tool for the development of political consensus; calls for political commitments made at EU-Latin America summits to be accompanied by the allocation of adequate financial resources; expresses deep concern over the fact that Argentina has recently nationalised a major Spanish-owned petrol company (YPF) and has also made highly unhelpful demarches with regard to the UK's Falkland Islands;

77. Proposes to explore the possibility of closer cooperation, especially economic cooperation, between the Americas and the EU with the goal of a common free trade agreement;

78. Calls for existing human rights dialogues to be enhanced, with greater involvement on the part of Parliament, and for a dialogue to be launched on strengthening cooperation on important security challenges, not least the devastating impact of organised and narcotics-related crime on state institutions and human security; notes that the 7th EU-LAC Summit of Heads of State and Government, to be held in Chile in January 2013, could be a good opportunity to launch new visions for bi-regional cooperation across a range of political and socio-economic areas;

79. Stresses that social cohesion should remain a key principle of the development cooperation strategy towards Latin America, on account not only of its socio-economic implications, but also of its importance in terms of consolidating the democratic institutions in the region and the rule of law; notes as well that further development cooperation between the EU and the middle-income countries of Latin America is necessary in order to address the major inequalities still existing in the region; calls for triangular cooperation and South-South cooperation with South American countries to be strengthened;

80. Calls for further development of triangular cooperation with the Americas on matters of mutual interest, with a view to moving towards a Euro-Atlantic area comprising the EU, the US, Canada and Latin America;

81. Notes the significant impact of Brazil's emergence in the region and globally, combining economic and social programs with democracy, the rule of law and basic freedoms; calls for the reinforcement of the EU-Brazil strategic partnership and political dialogue with a view to supporting the country's efforts to strengthen institution building in Mercosur and Unasur;

82. Welcomes the fact that the Association Agreement with Central America will be signed shortly, and will in the European Parliament be subject to the consent procedure; underlines the fact that, as the first comprehensive region-to-region treaty for the EU, it upgrades the relationship, and fosters a regional

approach as well as Latin American regional integration; states its intention to closely monitor the implementation of the agreement, and in particular its impact on the situation for human rights and the rule of law in Central America;

83. Welcomes the fact that the Trade Agreement between the European Union and Colombia and Peru will be signed shortly, and will in the European Parliament be subject to the consent procedure; recalls that this agreement cannot be seen as a definitive framework for the relationship between the EU and these countries, but as one more step towards a global association agreement, leaving the door open for other Andean Community countries to joint;

84. Notes, therefore, that the EU's objective is the signing of an Association Agreement with all members of the Andean Community; takes the view that the Association Agreement with MERCOSUR would represent a decisive advance in strategic relations with Latin America, provided that it is based on the principles o free and fair trade and legal certainty of investments, the respect for international, labour and environmental standards and the trustworthy conduct of the partners;

85. Deplores that the Commission's proposals for a regulation on a scheme of generalised tariff preferences and the Development Cooperation Instrument ignore the strategic nature of relations with Latin America, as they exclude a significant number of vulnerable countries in this region; recalls that some countries of Latin America are among the most unequal in the world in terms of per-capita earnings, and that persistent inequality occurs in a context of low socio-economic mobility; considers that the message that the EU is sending to the region is very troubling, since, in practical terms, it amounts to a statement that it does not give it the importance that it deserves, in spite of the multiple political and trade commitments made as well as the shared global interests;

Africa

86. Notes that the joint Africa-EU Strategy and its 8 sectors have initially focused on the African Union (AU) and on technical support for institutional capacity building and policies across the range of peace and security, human rights, democracy promotion, the rule of law and achieving the Millennium Development Goals (MDGs); recalls that, whilst such a comprehensive approach remains valid, the coherence and effectiveness of the strategy have been reduced by the existence of overlapping agreements with multiple partners and the lack of a specific budget for its implementation; in addition there is a pressing need to move beyond institutional capacity building at continental level towards developing a political partnership for peace, security and socio-economic development at regional and sub-regional level; calls for an extension of such political partnerships to include the Regional Economic Communities, not only as a strategy for strengthening the African Union, but also as a means of deepening the EU-Africa partnership at regional and sub-regional level, thus addressing the political, security and economic interests of African and European citizens; deplores the setbacks that coup d'états, such as those occurred in Mali and Guinea Bissau, triggered in view of the democratic principles and goals advanced by the AU, the EU and the UN; calls for the urgent re-establishment of constitutional order in those countries;

87. Takes note of the EU strategies for the Horn of Africa and the Sahel region; believes that the structural causes of the conflict in these regions need to be addressed in order to pave the way for a viable peaceful solution of the problems and give a better perspective for the population, which implies ensuring fair access to resources, sustainable development of the regions and a redistribution of wealth; calls for an evaluation of Union polices where considerable development aid and diplomatic resources are deployed to assess the impact on the population; calls also for closer association between the European Parliament, the Pan-African Parliament and regional parliamentary arrangements in order to ensure greater accountability for political and budgetary decisions vis-à-vis the citizens of both continents, and as a basis for measuring and evaluating progress in the implementation of policies; welcomes in particular the Council decision to extend the mandate of EUNAVFOR Atalanta (to include addressing the threat of piracy on shore) as a means of strengthening its comprehensive approach to addressing the specific threat of piracy as well as providing support for the longer-term development of the region;

88. Is gravely concerned about the tensions between Sudan and South Sudan; calls on both sides to demonstrate political will to resolve their outstanding post-secession issues based on the Roadmap endorsed in the UN Security Council Resolution 2046 (2012) of 2 May 2012; stresses that the long-term stability in the region requires a new unified, comprehensive international strategy, in which the EU would play a role, alongside other global and regional actors, which would focus not only on North-South issues and the situation in Southern Kordofan and the Blue Nile, but also on the long-overdue reform process in Sudan and the deepening of democratic reforms in South Sudan;

89. Recalls its resolution of 25 November 2010 on the situation in Western Sahara; urges Morocco and the Polisario Front to continue negotiations for a peaceful and long-lasting solution of the Western Sahara conflict, and reiterates the right of the Sahrawi people to self-determination, and their right to decide on the status of Western Sahara through a democratic referendum, in accordance with the relevant United Nations resolutions;

Asia

90. Calls for the EU to have a greater and stronger presence in the Asia-Pacific region, in particular by highlighting the achievements of democratic transition in Indonesia, the largest Muslim nation, and by contributing, through its experience and expertise, to the multilateral initiatives in and around ASEAN and to the progressive emergence of increased Trans-Pacific initiatives; takes the view that the EEAS should now make full use of the potential for boosting cooperation between EU and Asia; considers the Bandar Seri Begawan Plan of Action to strengthen the ASEAN-EU enhanced partnership as a relevant first step in this regard; also commends the recent endorsement of the Treaty of Amity as a chance for deepening cooperation, aiming to reach beyond the perspective of trade agreements between the EU and Asian countries; stresses that economic and cultural cross-fertilisation should be given higher priority, in particular by fostering direct investment opportunities and by making access for students and researchers easier and more attractive; notes that this implies a strategic coordination of Member States and EU efforts, as opposed to parallel and competing national policies; notes that in the Asia-Pacific regional security context, including territorial disputes around the South China Sea as well as concerns with North Korea, the EU as a neutral partner should be an active proponent of a stable, peaceful solution based on multilateral institutions;

91. Calls for the swift commencing of negotiations on the EU-Japan Partnership and Cooperation Agreement;

China

92. Welcomes the progress made in the development of the EU-China strategic partnership, including the development of a third pillar, 'People-to-People Dialogue', in addition to the economic and security dialogues; emphasises the growing interdependence between the EU's and China's economies, and recalls the significance of the rapid growth of the Chinese economy and influence on the international system;

93. Notes that the change of leadership in China will be a major test of the country's evolution; reiterates its goal of developing a comprehensive strategic partnership with China; calls on the EU and its Member States to be more consistent and strategic in their respective messages and policies, and thereby contribute in a supportive way to an evolution in a positive direction; stresses that this implies eliminating the discrepancies between Member State and EU priorities as regards human rights in China, the human rights dialogue and support for civil-society organisations;

Japan

94. Underlines the need to consolidate the Union's relations with Japan as a major international actor that shares EU's democratic values and is a natural partner for cooperation in multilateral fora and on issues of mutual interest; looks forward to the realisation of the comprehensive framework agreement and the Free Trade Agreement;

South and East Asia

95. Calls for the EU to be more active in South Asia and South East Asia in support of democratic developments and reforms in the area of governance and the rule of law; welcomes, therefore, the commitment to a democratic, secular, stable and socially inclusive Pakistan; welcomes the first EU-Pakistan Strategic Dialogue held in June 2012 and the engagement for constructive discussions on enhancing bilateral cooperation and shared views on regional and international issues of mutual concern, including a more proactive engagement in the fight against terrorism; calls on the EU and its Member States to strengthen relations with India, based on the promotion of democracy, social inclusion, rule of law and human rights, and invites EU and India to swiftly conclude their ongoing negotiations of a comprehensive EU-India Free Trade Agreement, which would stimulate European and Indian trade and economic growth; Calls on the EU and its Member States to support Sri Lankan post-war reconciliation, reconstruction and economic development and, in this regard, urges the Council to support Sri Lanka in the implementation of the Lessons Learnt and Reconciliation Committee (LLRC) report; welcomes active support of EU for the promotion of democracy in Myanmar;

96. Welcomes the successful conclusion of the presidential and parliamentary elections held in Taiwan on 14 January 2012; commends Taiwan's continuous efforts to maintain peace and stability in the Asia-Pacific region; recognises the progress made in cross-Strait relations, especially the improvement of economic links, noting that closer economic ties with Taiwan could improve the EU's market access to China; urges the Commission and the Council, in accordance with Parliament's CFSP resolution of May 2011, to take concrete steps to further enhance EU-Taiwan economic relations, and to facilitate the negotiation of an EU-Taiwan economic cooperation agreement; reiterates its firm support for Taiwan's meaningful participation in relevant international organisations and activities, including the World Health Organisation; recognises that the EU Visa Waiver Program granted to Taiwanese citizens, which entered into force in January 2011, has proven to be mutually beneficial; encourages closer bilateral cooperation between the EU and Taiwan in areas such as trade, research, culture, education and environmental protection;

97. Calls on the EU to raise awareness of the serious human rights violations, the massive killings and inhuman treatment in the labour and political prison camps in North Korea, and to support the victims of such violations;

Multilateral partners

G-7, G-8 and G-20

98. Believes that, in light of the increasing relevance of the BRICS and other emerging powers and in light of the multipolar system of global governance that is taking shape, the G-20 could prove a useful and particularly appropriate forum for consensus building that is inclusive, based on partnership and able to foster convergence, including regulatory convergence; takes the view, however, that the G-20 has yet to prove its value in converting summit conclusions into sustainable policies that address critical challenges, not least the control of tax havens and other challenges and threats expressed by the global financial and economic crisis; notes in this respect the potential for the G-8 to play a role in building consensus ahead of G-20 meetings; considers that the existence of the G-8 should also be harnessed in an effort to reconcile positions with Russia so that common challenges can be addressed in a coordinated and effective manner;

UN

99. Calls for the EU, in affirming that effective multilateralism is a cornerstone of EU foreign policy, to take a leading role in international cooperation and to advance global action by the international community; encourages the EU to further promote synergies within the UN system, to act as a bridge-builder at the UN and to engage globally with regional organisations and strategic partners; expresses its support for the continuation of UN reform; calls for the EU to contribute to sound financial management and budgetary discipline with regard to UN resources;

100. Calls, therefore, on the EU to press for a comprehensive reform of the UN Security Council in order to reinforce its legitimacy, regional representation and effectiveness; stresses that such a reform process can be irreversibly launched by EU Member States if, consistently with the purposes of the Lisbon Treaty in enhancing EU foreign policy and the role of the EU in global peace and security, they demand a permanent seat for the EU in an enlarged and reformed UNSC; calls on the VP/HR to urgently take the initiative to bring the Member States to develop a common position with that purpose; urges the Member States, until such a common position is adopted, to agree and enact, without delay, a rotation system in the UN Security Council, so as to secure a EU seat in permanence at the UN Security Council;

101. Considers it important that the UN General Assembly resolution on the EU's participation in the work of UNGA be fully implemented and that the EU act and deliver in a timely and coordinated fashion on substantive issues; calls on the EU to further improve the coordination of EU Member State positions and interests in the UN Security Council; welcomes the setting up of EU medium-term priorities at the UN, and calls for Parliament's Committee on Foreign Affairs to be consulted regularly on the annual review and on any implementation; stresses the need for stronger public diplomacy on UN affairs and for the EU's global role to be communicated in a more effective fashion to the European public;

102. Strongly believes in the need to build partnerships in the area of conflict prevention, civilian and military crisis management, and peace-building, and, with this in mind, to make the EU-UN Steering Committee more operational in the context of crisis management; calls on the EU and its Member States to generate further progress on the operationalisation of the responsibility to protect principle, and to work with UN partners towards ensuring that this concept becomes part of prevention and post-conflict reconstruction; calls for the elaboration of an interinstitutional 'Consensus on R2P and a common Conflict Prevention Policy', in parallel with the already existing 'Consensus on Humanitarian Aid' and 'Consensus for Development', that could ensure more EU consistency in UN fora on these issues;

103. Recalls that the comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on women, peace and security, adopted by the Council of the European Union of 1 December 2008, recognises the close links between the issues of peace, security, development and gender equality, and should be a cornerstone of the CFSP; stresses that the EU has consistently called for the full implementation of the women, peace and security agenda set in UN Security Council resolutions 1325 (2000) and 1820 (2008), and subsequently reinforced by the adoption of UN Security Council resolutions 1888 and 1889 (2009) and 1960 (2010), particularly the need to combat violence against women in conflict situations and the promotion of women's participation in peace building; calls on those Members States which have not yet done so to adopt national action plans regarding women, peace and security, and underlines that they should be based on uniform, minimum European standards as regards objectives, implementation and monitoring across the EU;

104. Underlines the need to develop more effective mediation guidelines and capacities through collaboration between the EU and the UN on mediation capacities, in order to provide adequate resources for mediation in a timely and coordinated manner, including through ensuring women's participation in these processes; considers it essential for the implementation of the EU's human rights policy to develop the UN Human Rights Council's capacity to address serious and urgent human rights situations, to reinforce the follow-up process on the implementation of recommendations of the Special Procedures and to strengthen the process of the Universal Periodic Review; stresses the need to continue the EU's support of the International Criminal Court with the aim of contributing to the effective protection of human rights and the fight against impunity;

105. Calls, with regard to the UN negotiations on the Arms Trade Treaty (ATT), on the EU VP/HR and the Council to work for the highest possible standards of protection of international human rights law and international humanitarian law by setting standards that go beyond those already agreed upon at the EU level and are enshrined in the EU Common Position on Arms Exports; stresses that EU states parties must therefore refrain from accepting lower standards which would undoubtedly be detrimental to the success and effectiveness of the ATT;

EU-NATO

106. Welcomes the commitments made by the EU and NATO to strengthen their strategic partnership, reaffirmed by the Alliance in its new Strategic Concept and at the Chicago Summit, and emphasises the progress made as regards practical cooperation in operations; notes that the current global and European economic crisis has spurred efforts to seek more cost-effective and urgently required operational capabilities in both the EU and NATO; calls, therefore, for the VP/HR to be more proactive in promoting further concrete proposals for organisation-to-organisation cooperation, including through the European Defence Agency (with smart defence, pooling and sharing, and a comprehensive approach as guiding principles, based on the complementarity of the initiatives); calls for an urgent political solution to the blockage on cooperation under the 'Berlin Plus' arrangements, which are holding back the prospects for the two organisations to cooperate more effectively;

Council of Europe

107. Urges the Member States to meet their obligation to conclude rapidly the negotiations on the accession of the EU to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR); underlines the importance of the standards monitoring procedures and findings of the Council of Europe as a major contribution to assessing progress by neighbouring countries in achieving democratic reforms;

108. Emphasises the fact that the accession of the EU to the ECHR is a historic opportunity to affirm human rights as a both a core value of the EU and a common ground for its relations with third countries, and hopes that it will proceed without unnecessary delay; reaffirms that the EU accession to the ECHR constitutes a significant achievement for further strengthening human rights protection in Europe;

OSCE

109. Supports the dialogue on reform of the Organisation for Security and Co-operation in Europe (OSCE, provided that this does not come at the price of weakening existing institutions and mechanisms or affecting their independence; emphasises the need to maintain a balance between the three dimensions of the OSCE, developing them coherently and comprehensively and building on what has already been achieved; stresses, moreover, that security threats and challenges should be tackled through all three dimensions if action is to be truly effective; calls on the OSCE to further strengthen its capacity to ensure respect for, and the implementation of, principles and commitments undertaken by its participating states in all three dimensions, *inter alia* by enhancing follow-up mechanisms;

GCC

110. Expects the EU to develop a real strategic partnership with the Gulf Cooperation Council (GCC), including an open, regular and constructive dialogue, and a structured cooperation, on human rights and democracy as well as on the transition process and crisis management in the Southern Neighbourhood; reiterates, in support of this objective, that the EEAS should devote more human resources to the region and open delegations in the main GCC countries; stresses that human rights, women's rights, the rule of law and the democratic aspirations of the people in GCC countries, from Bahrain to Saudi Arabia, cannot continue to be overlooked in EU's policies towards the region;

The Arab League

111. Acknowledges the increasingly important role of regional organisations, in particular the Arab League, but also the Organisation of the Islamic Conference and the Economic Cooperation Organisation, and calls on the EU to strengthen cooperation, especially on questions related to transition processes and crisis management in the Southern Neighbourhood; welcomes EU efforts to assist the Arab League in its integration process;

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Thematic CFSP priorities

Common Security and Defence Policy

112. Emphasises that CSDP actions should be embedded in a comprehensive policy targeting countries and regions in crisis, where the EU's values and strategic interests are at stake and where CSDP operations would provide real added value in terms of promoting peace, stability and the rule of law; stresses, further, the need for a lessons-learnt process that assesses more accurately the successful implementation of each operation and its lasting impact on the ground;

113. Reiterates its call for the VP/HR, the Council and the Member States to address the numerous issues plaguing civil-military cooperation, from shortages of qualified staff to equipment shortages and imbalances; calls in particular for staff in the fields of justice, civilian administration, customs, dialogue, reconciliation and mediation, so as to ensure that adequate and sufficient expertise can be provided for CSDP missions; calls for the VP/HR to come forward with specific proposals for making up these staffing shortages, in particular in the area of civilian crisis management, conflict prevention, post-crisis reconstruction and the sectors described above;

114. Welcomes calls for greater pooling and sharing of key military capabilities, improved capacities to plan and conduct missions and operations, and integration of civilian and military missions and operations; highlights the need to continuously improve the performance of CSDP missions and operations, including through evaluation of outcomes, benchmarking, impact assessment, identifying and implementing lessons learned and developing best practices for effective and efficient CSDP action; regrets, however, the political constraints on cooperation that sometimes prevent best practices from creating synergies;

Arms trade

115. Recalls that the Member States are responsible for more than one third of global arms exports; urges the Member States to comply not only with the eight criteria of Common Position 2008/944/CFSP (the EU Code of Conduct on Arms Exports) but also with EU development policy principles; calls for the competence on the rules governing arms exports to be transferred to the EU; reminds the Member States that developing countries should first and foremost invest financial resources in sustainable social and economic development, democracy, human rights and the rule of law; urges the VP/HR and the Member States to use the ongoing review of EU Common Position 2008/944/CFSP to strengthen the implementation and monitoring of EU criteria for arms exports; deeply regrets the failure of the UN negotiations for a global Arms Trade Treaty (ATT) in July 2012; calls on the VP/HR and the Member States to bring pressure to bear, as a matter of urgency, on those countries which opposed a robust global ATT; calls for a strong and robust ATT which requires state parties to deny any arms and ammunition export in case there is a serious risk that the arms would be used to commit or facilitate serious violations of international human rights law and international human rights, including genocide, crimes against humanity and war crimes;

Conflict prevention and peace-building

116. Calls for the VP/HR to put forward proposals for boosting the EEAS' capacities with regard to conflict prevention and peace-building, with particular reference to the Gothenburg Programme, and to further expand the EU's capacity to prevent conflict and provide mediation, dialogue and reconciliation capacities alongside its better-resourced crisis management capacities; calls, as a matter of priority, for stock to be taken of EU policies in the area of conflict prevention and peace-building, with a view to the VP/HR reporting back to Parliament on proposals for strengthening the Union's external capacity and responsiveness in this area; welcomes the proposal by the Commission and the EEAS to introduce a budget line amounting to EUR 500 000 for Conflict Prevention and Mediation Support Services in the EEAS budget for 2013, following the successful completion at the end of this year of a preparatory action proposed by Parliament; calls on the VP/HR to enhance the participation of women in conflict prevention, mediation, dialogue and reconciliation and peace-building mechanisms;

117. Considers the proposal for an autonomous or semi-autonomous European Institute of Peace with close links to the EU, and which could contribute to strengthening conflict prevention and mediation capacities in Europe, a very promising idea; calls for such an institute to be based on a clearly defined mandate which avoids duplication of existing governmental and non-governmental organisations and which focuses on informal mediation diplomacy and knowledge transfer among and between EU and independent mediation actors; looks forward to the results of the pilot project on a European Institute of Peace launched this year; expects to be fully involved in the discussions leading to the possible creation of such an institute;

Sanctions and restrictive measures

118. Believes that in its treatment of authoritarian regimes the EU should develop a more consistent policy with respect to the imposition and lifting of sanctions and restrictive measures;

Non-proliferation and disarmament

119. Calls for the VP/HR to analyse the effectiveness of the European Union in addressing the threat posed by chemical, biological, radiological and nuclear weapons, a decade after the adoption of the 2003 Strategy Against the Proliferation of Weapons of Mass Destruction and upon the expiration of the extended deadline for the implementation of the 2008 New Lines for Action, with a view to the VP/HR reporting back to Parliament on proposals for strengthening the EU's capacity in this policy area;

120. Calls for the VP/HR to analyse the effectiveness of the European Union in addressing the threat posed by the proliferation of small arms and light weapons (SALW) and other conventional weapons as well as in tackling broader disarmament-related issues since the adoption of the 2005 Small Arms and Light Weapons Strategy and other relevant policy frameworks, including the 2003 EU Common Position on arms brokering and EU arms embargoes, with a view to the VP/HR reporting back to Parliament on proposals for strengthening the EU's capacity in this policy area;

European Defence Agency

121. Reiterates its call on the Member States to increase European cooperation in defence, which is the only feasible way to make sure that European military forces continue to be credible and operational in the face of diminishing defence budgets; notes the progress made under the EU's pooling and sharing and NATO's smart defence, and considers it essential that further synergies are achieved by the two organisations; stresses the need to make further progress in the pooling and sharing of assets, and in the potential for synergies in research, development and industrial cooperation in defence matters at Union level; welcomes the initiatives for strengthened cooperation in this area, including the Weimar Plus Initiative;

122. Recalls, in this context, the essential role of the European Defence Agency (EDA) in developing and implementing an EU capabilities and armaments policy; calls on the Council, therefore, to strengthen the institutional character of the EDA and to unleash its full potential, as provided for in Articles 42 (3) and 45 TEU;

123. Urges the Council and the Member States to provide the EDA with adequate funding for the full range of its mission and tasks; takes the view that this would best be done by financing the Agency's staffing and running costs from the Union budget, starting with the forthcoming multiannual financial framework; calls, to that end, on the VP/HR to put forward the necessary proposals;

Energy security

124. Notes that Article 194 of the Lisbon Treaty specifies that the EU is entitled to take measures at European level to ensure security of energy supply; stresses, in this regard, that in order to enhance energy security, and at the same time strengthen the credibility and effectiveness of the CFSP, it is of the utmost

importance to reduce energy dependency from such third countries that do not share, or that act against, EU values; believes that diversification of supply sources and transit routes, and increasing reliance on renewables and clean energy sources and transit routes, is urgent and essential for the EU, which is highly dependent on external sources of energy; notes that the main directions for diversification are the Arctic, the Mediterranean basin and the Southern Corridor from Iraq to Central Asia and the Middle East, and calls on the Commission to prioritise such projects; is concerned by the delays encountered in the completion of the Southern Corridor; highlights the need to achieve energy security through energy diversity, and emphasises the potential of a complementary LNG corridor in the east Mediterranean as a flexible source of energy, and as an incentive for increased competition within the EU internal market; believes that the EU should ensure that a current main source of imports – Russia – complies with internal market rules, the regulations under the Third Energy package and the Energy Charter Treaty; notes the great potential for development and interdependence that transcontinental smart grids for renewable energy linking Europe and Africa could offer;

125. Notes that in 2011, the Commission proposed setting up an information exchange mechanism on intergovernmental agreements in energy between Members States and third countries; believes that exchanges of best practices and political support from the Commission would also strengthen Member States' negotiating power; calls on the VP/HR and the Commission to report regularly to Parliament on the setting up and implementation of the mechanism; calls on the Commission to include an 'energy security clause' in trade, association and partnership, and cooperation agreements with producer and transit countries, i.e. a code of conduct in the event of disruption of, or unilateral changes to, the terms of supply;

New threats and challenges

126. Underlines that, in the CFSP, the action against the new generation of challenges for stability and international security such as climate change, international crime and terrorism, cybernetic attacks, proliferation of nuclear and mass destruction weapons, failed states, piracy and pandemics, must have an important place;

The external dimension of the area of Freedom, Security and Justice

127. Recalls that the external dimension of the area of Freedom, Security and Justice must play an important role in the CFSP; highlights the need of an organised management of the migratory flows that assure the cooperation with the countries of origin and of transit;

Cultural and religious dialogue

128. Believes that fostering dialogue and understanding between different religions and cultures should be an integral part of our external engagement with third countries and societies and, in particular, of our support for resolving conflicts and promoting tolerant, inclusive and democratic societies;

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129. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the EU Member States, the Secretary-General of the United Nations, the Secretary-General of NATO, the President of the NATO Parliamentary Assembly, the Chairman-in-Office of the OSCE, the President of the OSCE Parliamentary Assembly, the Chairman of the Committee of Ministers of the Council of Europe, and the President of the Parliamentary Assembly of the Council of Europe.

Wednesday 12 September 2012

Conservation and sustainable exploitation of fisheries resources

P7_TA(2012)0335

European Parliament resolution of 12 September 2012 on reporting obligations under Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (2011/2291(INI))

(2013/C 353 E/12)

The European Parliament,

— having regard to the report from the Commission to Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on reporting obligations under Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (COM(2011)0418),

— having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy,

— having regard to the Commission Green Paper of 22 April 2009 on Reform of the Common Fisheries Policy (COM(2009)0163),

— having regard to the Commission proposal of 13 July 2011 for a regulation of the European Parliament and of the Council on the Common Fisheries Policy (COM(2011)0425),

— having regard to the Communication from the Commission to the Council and the European Parliament of 5 February 2007 on improving fishing capacity and effort indicators under the common fisheries policy (COM(2007)0039),

— having regard to the Communication from the Commission of 25 May 2011 concerning a consultation on Fishing Opportunities (COM(2011)0298),

— having regard to the European Court of Auditors' Special Report No 12/2011, entitled 'Whether EU measures have contributed to adapting the capacity of EU fishing fleets to available fishing opportunities?',

— having regard to its resolution of 14 February 2006 on the review of certain access restrictions in the Common Fisheries Policy (Shetland Box and Plaice Box) ([1]),

— having regard to Rule 48 of its Rules of Procedure,

— having regard to the report of the Committee on Fisheries (A7-0225/2012),

A. whereas the aforementioned Commission report again confirms that the current Common Fisheries Policy (CFP) has fallen short of its goals as regards conservation and sustainable exploitation of EU fisheries and adjusting the available fishing capacity to the available fisheries resources;

([1]) OJ C 290 E, 29.11.2006, p. 113.

B. whereas more than 60 % of the fish stocks in European waters are fished beyond maximum sustainable yield, and whereas there is a lack of scientific data for numerous species;

C. whereas the TAC and quota system has, in itself, proved to be inefficient in managing certain fish stocks sustainably, and whereas long-term management plans (LTMPs) are key to the sustainable management of fish stocks;

D. whereas the fact that scientific data are sometimes lacking or unreliable and the level of uncertainty about the models for determining such data continue to constitute a serious problem when seeking to achieve sustainable management of many fish stocks;

E. whereas the rapidly growing populations of seabirds and seals are putting further pressure on depleted fishery resources in some regions of the EU;

F. whereas the sustainable conservation of fisheries resources is also affected by climate change, including global warming, and by anthropogenic effects such as pollution;

G. whereas over the past decade a very significant number of jobs have been lost in the European fishing industry because of the poor state of fish stocks, increased production costs, falling prices as a result of cheaper imports, and technological advances; whereas, at the same time, those technological advances have led to a significant increase in the fleets' fishing capacity in some instances;

H. whereas the available data on the actual capacity of the European fishing fleet is not sufficiently reliable because technological developments have not been taken into account and Member States do not always accurately report data on fleet capacities;

I. whereas the planned review of the technical measures frameworks will be an important piece of legislation in terms of addressing and grouping conservation measures;

1. Notes that the Commission has now fulfilled its commitments under Council Regulation (EC) No 2371/2002, which obliges the Commission to report to Parliament and the Council on the operation of the CFP with respect to Chapters II (Conservation and Sustainability) and III (Adjustment of Fishing Capacity) of that regulation before the end of 2012;

2. Notes that the Commission has also fulfilled its obligation under the same regulation to report on the arrangement set out in Article 17(2) on fishing restrictions in the 12 nautical mile zone by 31 December 2011;

Conservation and sustainability (Chapter II)

3. Calls on the Commission to provide for the establishment of long-term management plans for all commercial EU fisheries within a highly decentralised management regime which fully involves all relevant stakeholders; highlights the possibility of grouping fisheries according to geographical fishing region by regionalising the common fisheries policy, whereby the specificities of the different European seas should be taken into account as well as the situation of small-scale fisheries in the different areas, in order to align management measures as closely as possible to the actual situations facing the different fleets;

4. Calls on the Commission, in order to preserve living resources and ensure long-term environmental sustainability, to assess the possibility of establishing a network of closed areas in which all fishing activities are prohibited for a certain period of time in order to increase fish productivity and conserve living aquatic resources and the marine ecosystem;

5. Believes that, as part of the objective of guaranteeing sustainability, the policies considered should focus on the future of the fishing sector and, consequently, on facilitating the entry of new generations of fishermen;

6. Calls on the Commission, the Member States and the Regional Advisory Councils (RACs), in the future, to use the ecosystem approach as a basis for all LTMPs; considers that these management plans should be the basis of the future CFP and include clearly defined objectives that lay down rules for determining annual fishing effort, taking into account the difference between, on the one hand, the current stock size and the structure of the fishery and, on the other, the target stock objective, the criteria for discards and harvest control; urges the Council, in this connection, to follow the objectives of the LTMPs without exception;

7. Expresses disappointment at the current interinstitutional deadlock with regard to certain proposed multiannual plans, which has wider implications for all other LTMPs;

8. Stresses the need for a balance between the ecological and the economic and social situation in each fishery, while acknowledging that without plentiful fish stocks there will be no profitable fishing industry, and emphasises that it is very important that European fishermen accept harvest control rules, and therefore calls for wide participation by representatives of RACs and other relevant stakeholders when establishing management plans; considers that in the future these parties should play a much greater role in this process; calls, accordingly, for proper regionalisation; proposes that the RACs submit a mandatory opinion to the Commission on all management plans before they are proposed;

9. Underlines the direct link between discards, unwanted by-catch and overfishing, and the need to develop an effective no-discards policy at EU level whereby the Community Fisheries Control Agency (CFCA) has greater powers to ensure a fair system of rules and sanctions, i.e. the principle of equal treatment; argues that a discard ban should be implemented gradually on a fishery-by-fishery basis, form part of the different management plans and not relate to different fish stocks; stresses that selective fishing gear and other devices which reduce or eliminate by-catches of non-targeted species, or of juveniles of targeted species, should be promoted, along with other sustainable fishing methods; emphasises that, when establishing any management system in the European Union, it is indispensable to consider the importance of mixed fisheries in Union waters, which will necessitate adjustments and specific treatment, depending on the areas concerned;

10. Considers that, under the reformed CFP, Member States cooperating on a regional basis should be encouraged to work with the industry and other stakeholders to find innovative methods of eliminating discards in the manner most appropriate to individual regions and fisheries;

11. Urges the Commission to address immediately the lack of sufficient reliable data necessary for sound scientific advice; calls on the Commission to establish a system whereby Member States which do not fulfil their respective obligations regarding data collection and transmission under the European fisheries data programme are sanctioned; highlights the contradiction between the Commission's complaints regarding the lack of data and the small budget allocated to obtaining such data, and therefore insists that adequate funding be allocated to data collection and relevant scientific research in the Member States; urges the Commission, at the same time, to set up a framework for decision-making in data-poor situations, regarding management plans and TACs as well as quota decisions, based on the precautionary approach;

12. Emphasises that scientific fisheries research is an essential fisheries management tool that is indispensable for identifying factors that influence the development of fishery resources, with a view to carrying out a quantitative assessment and arriving at models that make it possible to forecast the development of those resources, but also for improving fishing gear, vessels and working and safety conditions for fishermen, in conjunction with their knowledge and experience; considers, as such, that there is a need to invest in the training of human resources, to provide adequate financial resources and to promote cooperation between various public bodies in the Member States;

13. Urges the Commission to take measures to reduce the negative effects of seals and certain seabirds on fish stocks, particularly where these are invasive species in a particular region;

Adjustment of fishing capacity (Chapter III)

14. Highlights the fact that there is no precise or quantified definition of overcapacity; calls on the Commission to establish a definition of overcapacity at EU level, accommodating regional definitions and taking into account local specificities; further calls on the Commission to redefine fishing capacity in such a way that both the vessel's fishing capacity and its actual fishing effort are taken as a basis; stresses, moreover, the need to define small-scale fisheries, as there is no universally applicable definition, and to adapt this to the objectives of the new CFP;

15. Calls on the Commission, in accordance with the recommendations of the 1999 FAO technical consultation, to measure, before the end of 2013, the capacity of European fleets in order to establish where there is overcapacity in relation to the resources available and what reductions/conversions are required; insists that capacity measures should not be restricted to tonnage and engine power, but should include the types and quantities of fishing gear used and any other parameter contributing to fishing capacity;

16. Calls on the Commission to monitor and adjust fleet capacity ceilings for Member States so that they are in line with reliable data and technical advances are taken into account;

17. Urges the Member States, wherever necessary, to carry out appropriate adjustments based on accurate measurements of existing fleet capacity, including engine and catching capacity, in order to achieve set targets for a sustainable level of capacity predefined for every fishery, so as to tackle the remaining significant overcapacity of certain fishing fleets, with sanctions for failure to meet the targets, i.e. the freezing of funds from the European Maritime and Fisheries Fund (EMFF);

18. Takes note of the Commission's proposal to introduce a system of individually transferable fishing concessions (TFCs), which is subject to strict safeguards and excludes small-scale fisheries, and requests the establishment of a special regime for small-scale and coastal fisheries as well as preferential treatment for environment-friendly fishing vessels, providing for conditionality and addressing the issue of rights concentration and the possibility of revoking fishing concessions; believes that a voluntary TFC scheme is one of several possible models Member States can apply in order to reduce overcapacity;

19. Emphasises that the TFC system cannot be regarded as the only measure to tackle overfishing and overcapacity, where the latter is proven, but should be one of the various complementary management measures available to a Member State whereby the Commission, together with the two co-legislators, sets the broader framework, controls and monitors national application (provided that this is the Member State's choice) and reports to the legislators periodically on the results of this system; stresses, in this connection, that the development of a proper range of technical measures promoting selective fishing gear, the closure of specific zones or the restriction of access to maritime areas identified as bio-geographically sensitive to regional fleets using environment-friendly fishing techniques, should be further promoted as complementary measures;

20. Emphasises that the future EMFF must consider the socio-economic impact of measures aimed at reducing overcapacity, where the latter is proven, and at adjusting the size and effort of fishing fleets in line with fishing opportunities and long-term sustainability, and must consequently provide for adequate financial assistance to mitigate that impact; considers that the higher the level of participation, the clearer the objectives will be, and that the more significant the economic and social support provided for those affected, the better understood, accepted and implemented the various measures for managing fisheries resources will be;

21. Emphasises the need to set clear deadlines and make progress as soon as possible towards fleet adjustments where necessary; stresses that priority should be given to systems encouraging fleets to adjust to the realities of their fisheries, and urges the Commission to provide for a scheme of measures to sanction Member States which do not fulfil their respective obligations within the set timelines, while also providing adequate funding for this process, and to develop further the concept of ecological and social conditionality in the context of access to fishing resources and remuneration which rewards sustainable fishing;

22. Takes note of the Commission's proposal to maintain the authorisation for specific fishing restrictions until 31 December 2022; agrees with the Commission that modifying the arrangements regarding the 12-mile access regime might disrupt the current balance that has developed since the introduction of this special regime; points out, on the other hand, that the objectives of the 12-mile access regime are completely different from those pursued by the introduction of other restrictions;

23. Calls on the Commission to establish a system of result-based management for awarding access rights whereby the burden of proof of sustainable fishing is upon the industry;

24. Believes that, for the time being, the special access regime for small-scale fisheries in the 12 nautical mile zone should be retained, as should specific restrictions for vessels registered in the ports of the Azores, Madeira and the Canary Islands in respect of the waters around these archipelagos, particularly the biogeographically sensitive areas currently covered by Council Regulation (EC) No 1954/2003 ([1]);

25. Notes that the Scientific, Technical and Economic Committee for Fisheries (STECF) report on the Shetland Box stated that removal of the Box might lead to an increase in fishing effort in its area, and that the STECF accordingly recommended that the Box remain in place;

26. Believes that in future the classification of restricted fishing areas, as may be the case for the Shetland Box, should be broadly backed by scientific criteria that demonstrate the rigour of their classification as biogeographically sensitive areas, especially if it is claimed that such restrictions form part of the regulatory framework of the Common Fisheries Policy through its basic regulation;

27. Considers that the role of biological rest periods should be acknowledged and supported as an important means of preserving fisheries resources, the effectiveness of which is proven, and an essential instrument for sustainable fisheries management; believes that the establishment of biological rest periods at certain stages in a species' life cycle enables growth in stocks that is compatible with continued fishing outside the rest period;

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

([1]) OJ L 289, 7.11.2003, p. 1.

Wednesday 12 September 2012

Reform of the Common Fisheries Policy

P7_TA(2012)0336

European Parliament resolution of 12 September 2012 on the reform of the Common Fisheries Policy – Overarching Communication (2011/2290(INI))

(2013/C 353 E/13)

The European Parliament,

— having regard to the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ('New York Agreement' of 4 August 1995),

— having regard to the FAO Code of Conduct for Responsible Fisheries, adopted on 31 October 1995,

— having regard to its resolution of 17 January 2002 on the Commission Green Paper on the future of the common fisheries policy ([1]),

— having regard to the declaration made at the World Summit on Sustainable Development held from 26 August to 4 September 2002 in Johannesburg,

— having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ([2]),

— having regard to the Commission communication entitled 'Implementing sustainability in EU fisheries through maximum sustainable yield' (COM(2006)0360) and to Parliament's resolution of 6 September 2007 on the implementation of sustainable fishing in the EU on the basis of maximum sustainable yield ([3]),

— having regard to its resolution of 12 December 2007 on the Common Market Organisation of fisheries and aquaculture products ([4]),

— having regard to the Commission communication entitled 'A policy to reduce unwanted by-catches and eliminate discards in European fisheries' (COM(2007)0136) and to Parliament's resolution of 31 January 2008 on a policy to reduce unwanted by-catches and eliminate discards in European fisheries ([5]),

— having regard to the European Court of Auditors' Special Report No 12/2011 entitled 'Have EU measures contributed to adapting the capacity of the fishing fleets to available fishing opportunities?',

— having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for Community action in the field of marine environmental policy (Marine Strategy Framework Directive) ([6]),

([1]) OJ C 271 E, 7.11.2002, p. 401.
([2]) OJ L 358, 31.12.2002, p. 59.
([3]) OJ C 187 E, 24.7.2008, p. 228.
([4]) OJ C 323 E, 18.12.2008, p. 271.
([5]) OJ C 68 E, 21.3.2009, p. 26.
([6]) OJ L 164, 25.6.2008, p. 19.

— having regard to the Commission Communication on the role of the CFP in implementing an ecosystem approach to marine management (COM(2008)0187) and to Parliament's resolution of 13 January 2009 on the CFP and the ecosystem approach to fisheries management ([1]),

— having regard to the Commission communication of 3 September 2008 entitled 'A European Strategy for Marine and Maritime Research: A coherent European Research Area framework in support of a sustainable use of oceans and seas' (COM(2008)0534) and to Parliament's resolution of 19 February 2009 on applied research relating to the common fisheries policy ([2]),

— having regard to its resolution of 24 April 2009 on 'Governance within the CFP: the European Parliament, the Regional Advisory Councils and other actors' ([3]),

— having regard to the Treaty on the Functioning of the European Union (TFEU) and to its resolution of 7 May 2009 on Parliament's new role and responsibilities in implementing the Lisbon Treaty ([4]),

— having regard to the Commission communication entitled 'Building a sustainable future for aquaculture – A new impetus for the Strategy for the Sustainable Development of European Aquaculture' (COM(2009)0162),

— having regard to the Commission's Green Paper of 22 April 2009 on the Reform of the Common Fisheries Policy (COM(2009)0163),

— having regard to its resolution of 25 February 2010 on the Green Paper on the reform of the Common Fisheries Policy ([5]),

— having regard to Aichi Target 6 in the Nagoya Protocol, published after the Nagoya Summit on Biodiversity, which took place from 18 to 29 October 2010,

— having regard to the Commission proposal of 13 July 2011 for a regulation of the European Parliament and of the Council on the Common Fisheries Policy (COM(2011)0425) and to the Commission staff working paper accompanying that proposal (SEC(2011)0891),

— having regard to the Commission communication entitled 'Reform of the Common Fisheries Policy' (COM(2011)0417),

— having regard to the Commission proposal for a regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund (COM(2011)0804),

— having regard to the Commission proposal for a regulation of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products (COM(2011)0416),

— having regard to the Commission Communication on the External Dimension of the Common Fisheries Policy (COM(2011)0424),

([1]) OJ C 46 E, 24.2.2010, p. 31.
([2]) OJ C 76 E, 25.3.2010, p. 38.
([3]) OJ C 184 E, 8.7.2010, p. 75.
([4]) OJ C 212 E, 5.8.2010, p. 37.
([5]) OJ C 348 E, 21.12.2010, p. 15.

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— having regard to the Commission Report on Reporting Obligations under Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (COM(2011)0418),

— having regard to its resolution of 16 February 2012 on the contribution of the common fisheries policy to the production of public goods [1],

— having regard to its resolution of 12 May 2011 on the European fisheries sector crisis due to the rise in oil prices [2],

— having regard to the Commission communication entitled 'Europe 2020' (COM(2010)2020),

— having regard to Rule 48 of its Rules of Procedure,

— having regard to the report of the Committee on Fisheries and the opinions of the Committee on Development and the Committee on Regional Development (A7-0253/2012),

A. whereas this is the first time in the history of the Common Fisheries Policy (CFP) that Parliament is acting as co-legislator in establishing a reformed CFP;

B. whereas the fishing industry is of strategic importance in terms of the public supply of fish and the food balance in various Member States and in the European Union itself, and whereas it makes a considerable contribution to socio-economic well-being in coastal communities, local development, employment, the preservation and creation of economic activities upstream and downstream and the preservation of local cultural traditions;

C. whereas, despite certain progress made following its revision in 2002, the present communication recalls that the previous CFP failed to achieve some of its key objectives: many stocks are overfished; the economic situation of parts of the EU fleet is fragile despite subsidies; jobs in the fishing sector are being lost and are unattractive, especially to young people entering the sector; and the situation of many coastal communities depending on fisheries and aquaculture is precarious;

D. whereas the previous CFP did, nevertheless, have some positive impact, enabling the restoration of certain stocks and the creation of regional advisory councils (RACs);

E. whereas it is vital that the CFP pursues an approach to the fisheries sector that takes into account the ecological and economic and social dimensions (the three pillars of the CFP reform), so that a compromise is always struck between the state of existing resources in the various maritime areas and protection of the socio-economic fabric of coastal communities that depend on inshore fishing to guarantee jobs and prosperity;

F. whereas the EU represents about 4,6 % of global fisheries and aquaculture production, which makes it the world's fourth-biggest producer; whereas, nevertheless, the EU imports over 60 % of the fish it consumes;

[1] Texts adopted, P7_TA(2012)0052.
[2] Texts adopted, P7_TA(2011)0234.

G. whereas, notwithstanding the acknowledged lack of scientific data, the Commission estimates that 75 % of the EU's fish stocks are overexploited, that more than 60 % of stocks in European waters are being fished beyond the maximum sustainable yield (MSY), and that the EU is losing approximately EUR 1,8 billion per year in potential income as a result of its failure to manage fisheries sustainably;

H. whereas, nevertheless, some EU fisheries are accredited as being sustainable, showing that cooperation between the governing authorities, the fishing industry and other stakeholders can bring about satisfactory results;

I. whereas, according to the Commission, the Council's decisions have exceeded scientific recommendations by an average of 47 % since 2003 and 63 % of estimated stocks in the Atlantic are currently being overfished, as are 82 % of those in the Mediterranean and four out of six of those in the Baltic;

J. whereas, although the EU's fishing industry lost 30 % of its jobs between 2002 and 2007 because of the poor state of fish stocks, the fall in prices caused by cheaper imports, and technological advances, the fisheries sector (including aquaculture) is still estimated to have generated EUR 34,2 billion in annual earnings during that period, and creates more than 350 000 jobs both upstream and downstream in the fishing, fish processing and marketing sectors, in particular in coastal areas, remote regions and islands, where it produces 'public goods' of which due account has not been taken; whereas, despite the jobs lost, the fleets' fishing capacity has increased significantly thanks to technological advances;

K. whereas the available data on the actual capacity of the European fishing fleet are not reliable, because technological developments have not been taken into account and Member States are failing to report data accurately on fleet capacities;

L. whereas the incomes and wages of people working in the fishing industry are insecure owing to the way fish is marketed, the way first-sale prices are set and the irregular characteristics of fishing, meaning that adequate national and EU public funding for the sector needs to be maintained;

M. whereas artisanal and small-scale fleets, on the one hand, including those involved in shellfish harvesting and other traditional and extensive aquaculture activities, and fleets of a larger-scale industrial nature, on the other hand, have very different characteristics, as indeed do fleets in different parts of the EU regardless of vessel size; whereas, accordingly, appropriate management instruments and problems cannot be fitted into a uniform model, and thus different fleets need to be treated differently;

N. whereas the reform of the CFP must ensure the future survival and prosperity of artisanal and small-scale fishing fleets and of coastal areas, including outermost regions, that are heavily dependent on fishing and which may require transitional socio-economic support under the new CFP, without leading to an increase in total fleet capacity;

O. whereas there is a need for representatives of industrial and small-scale fleets and of the aquaculture sector to be involved in defining and developing the new CFP;

P. whereas women play a fundamental role in the processing and aquaculture sector, the exercise of ancillary management and administrative tasks, and shellfish gathering; whereas they are also, albeit to a lesser extent, active in the catching sector; whereas, however, their important contribution is very often not duly recognised and rewarded;

Q. whereas the Treaty of Lisbon requires us to ensure coherence in Union policies, including in the reform of the CFP;

R. whereas fishery and aquaculture products play a significant role in human diet, both in Europe and worldwide, as a source of protein-rich healthy food;

S. whereas schoolchildren need to be taught from an early age about the wide variety of fish species available and the seasonality of such species;

T. whereas consumers need to be informed on an ongoing basis of the wide variety of species available, in order to reduce pressure on certain stocks;

U. whereas the CFP should bear responsibility for financing its costs, in particular the decisions and measures adopted under it;

OBJECTIVES OF THE REFORM

I – Environmental sustainability

Measures for the conservation of marine biological resources

1. Considers the prime objective of any fisheries policy to be to ensure the supply of fish to the public and the development of coastal communities, promoting employment and better working conditions for fishing professionals while seeking to establish resources on a sustainable footing which makes for proper conservation;

2. Considers that the CFP (extractive fisheries and aquaculture sector) needs thorough and ambitious reform if the EU is to ensure long-term environmental sustainability, which is a prerequisite for securing the economic and social viability of the EU fishing and aquaculture sector; maintains that the reformed policy must be coordinated more closely with other EU policies such as cohesion policy, environmental policy, agricultural policy and external policy, and that future international sustainable fisheries agreements must be consistent with it; points out, in this connection, the importance of tools such as the integrated maritime policy and the macro-regional approach, which can offer closer integration;

3. Stresses that any and every fisheries policy should take account of a multitude of dimensions – social, environmental and economic – that require an integrated and balanced approach which is incompatible with a vision that creates a hierarchy among them according to an a priori definition of priorities;

4. Emphasises that the EU's extractive fisheries and aquaculture sector, if properly managed on the basis of global sustainability, could make a greater contribution to the needs of European society in terms of food security and quality, employment, environmental protection and the maintenance of dynamic and varied fishing and coastal communities;

5. Recognises that fishing has provided employment for numerous, often economically fragile communities around the coasts of Europe for many generations; considers that all these communities, regardless of size, deserve protection under European fisheries policy and that the historical link between communities and the waters they have historically fished must be maintained;

6. Believes that, by applying the concept of conditionality, incentives should be offered to those who fish, or harvest shellfish, sustainably using environmentally sustainable, low-impact and selective fishing gear and methods, in order to ensure the widespread use of such fishing practices and the sustainable development of coastal communities; considers that the fishing industry itself must play a key role in developing sustainable fishing methods, and that all such incentives should be offered at a level close to the stakeholders and with the cooperation of fishermen and other interested bodies; notes that this includes the provision of support for a voluntary EU eco-label, which could be subcontracted to existing certification bodies, in order to ensure a level playing field for fishermen and producers both outside and inside the EU;

7. Is convinced that the reform of the CFP must establish suitable and effective instruments to support ecosystem-based fisheries management; believes, therefore, that the multiannual management plans must take account of such an ecosystemic approach; believes that it is imperative to put an end to the institutional impasse in relation to those multiannual management plans, and that the ordinary legislative procedure should be applied; considers, in addition, that real micro-management powers must be devolved to Member States cooperating on a regional basis;

8. Reiterates that all development in marine and coastal areas must comply with environmental legislation such as the Marine Strategy Framework Directive and the biodiversity protection directives, as sound environmental status should be a precondition for all activities in marine and coastal regions;

9. Stresses that the CFP must apply the precautionary approach to fisheries management and ensure that the sustainable exploitation of living marine biological resources restores and maintains populations of all stocks of harvested species at levels close to those capable of producing maximum sustainable yield (MSY); stresses that a clear timetable, including a final deadline, must be established in the basic regulation; emphasises that the provision of appropriate economic resources for the implementation of the CFP is necessary in order to phase out overfishing wherever it is demonstrated and achieve sustainable stock conservation, which requires reliable scientific data;

10. Believes that the objective of achieving MSY based on fishing mortality (FMSY) should be implemented immediately, as this will contribute significantly to putting the sustainability of stocks on the right track; calls on the Commission and the Member States to implement this objective in an operational manner, based on sound scientific data and taking account of the socio-economic consequences;

11. Underlines, however, the difficulties involved in implementing the MSY principle, in particular in the case of mixed fisheries or where scientific data on fish stocks are unavailable or unreliable; asks, therefore, for adequate sums to be allocated to scientific research and data collection with a view to the implementation of a sustainable fishing policy;

12. Calls on the Commission to provide for the establishment of long-term management plans (LTMPs) for all EU fisheries and for the use of the ecosystem approach as a basis for all such plans, with clearly defined objectives and harvest control rules playing a pivotal role in each plan, which is to lay down rules for determining annual fishing effort, taking into account the difference between the fishery's current stock size and structure and the target stock objective; urges the Council, in this connection, to follow the objectives of the LTMPs without exception;

13. Underlines the direct link between discards, unwanted by-catch and overfishing, and understands the Commission's motivations and the need to develop an efficient no-discards policy at EU level whereby the Community Fisheries Control Agency (CFCA) should have greater powers to ensure a fair system of rules and sanctions in accordance with the principle of equal treatment;

14. Proposes, therefore, that comprehensive documentation of the quantities of species fished over a certain volume and not landed be made mandatory in order to meet the needs of scientific research and enable development of selective equipment for vessels to be developed in full knowledge of the facts;

15. Believes that the gradual elimination of discards should be fishery-based and depend on the characteristics and realities of the different modalities and fisheries, bearing in mind that it is easier to achieve in some single-species fisheries and that it presents some challenges for mixed fisheries that need to be overcome; stresses that consideration should be given to producers' and fishermen's organisations, which should be actively involved; stresses that the elimination of discards should be accompanied by technical measures to reduce or eliminate unwanted by-catch and incentives to encourage selective fishing practices; believes that priority should go to avoiding unwanted catches in the first place, rather than managing them; is concerned, in this connection, about the emergence of a parallel discards market which would constitute a danger for the ecosystem and the European fishing sector; emphasises that adequate safeguards should therefore be provided; also stresses the need for stakeholder involvement and for careful design of the landing obligation and the subsequent treatment thereof, in order to avoid a shift from unwanted fish in the sea to unwanted fish on land;

16. Stresses the need to step up scientific research and allocate adequate funding to it, and to develop fishing gear and fishing techniques in such a way as to avoid unwanted catches; asks the Commission to propose sufficient and appropriate measures and to provide the Member States with financial support for that purpose; underlines, to this end, the importance of addressing the management of mixed fisheries; notes that the existing technology for reducing or eliminating discards is not equally effective for all types of fishery; calls on the Commission, in this connection, to promote partnerships between scientists and fishermen, to consider their opinions when drawing up its policies and to assist Member States in the development of new fishing techniques;

17. Calls on the Commission and the Member States immediately to conduct 'pilot projects' aimed at improving gear selectivity;

18. Notes the difficulty of applying a measure for the elimination of discards in the case of mixed fisheries, including, but not limited to, those in the Mediterranean, given the existence of specific fishing practices and specific climatic and geological conditions; believes that further consultation is needed in order to tackle the difficulties linked to establishing the necessary infrastructure for collecting and processing by-catch, as proposed by the Commission; calls for further measures to reduce the catch of juveniles and discourage the market in juveniles;

19. Calls on the Commission, with a view to preserving living resources and ensuring long-term environmental sustainability, to assess the possibility of establishing a network of closed areas in which all fishing activities are prohibited for a certain period of time in order to increase fish productivity and conserve living aquatic resources and the marine ecosystem;

20. Stresses the specific characteristics of the outermost regions, which in economic, social and demographic terms are highly dependent on fishing (predominantly on a small scale), and which are surrounded by deep sea; believes it is necessary to restrict access to their biogeographically sensitive marine areas to local fleets that use environment-friendly fishing gear;

21. Expresses its doubts over the proposals relating to the market in by-catches and stresses that, in the event that they are implemented, adequate safeguards should be provided in order to avoid the emergence of a parallel market that would encourage fishermen to increase their catches;

22. Believes that the discard ban should be based on a step-by-step introduction by fishery, to make it easier for the sector to adapt; stresses that producers' organisations should be actively involved in the gradual implementation of such a ban;

23. Asks the Commission to assist Member States in offsetting the various socio-economic consequences of adopting a discards ban;

24. Stresses that the introduction of measures for the gradual elimination of discards would require an in-depth reform of the control and enforcement system; asks the Commission to assist Member States in this respect, in order to ensure that enforcement applies across the board in a uniform manner; believes that the CFCA must be adequately supported, with sufficient powers and resources to fulfil its duties and thereby assist the Member States in applying their systems of rules and sanctions;

25. Calls on the Commission to investigate the reduction in fish stocks owing to natural predators such as sea lions, seals and cormorants, and to draw up and implement management plans to regulate these populations in cooperation with the affected Member States;

26. Calls on the Commission to implement programmes to educate schoolchildren and consumers alike as to the variety of species available and the importance of consuming fish which is sustainably produced;

27. Recalls the obligation contained in the Treaty of Lisbon to ensure the coherence of the Union's policies, including in the reform of the CFP;

Monitoring and collecting quality data

28. Believes that the reliability and availability of scientific data and socio-economic impact assessments relating to different stocks, in different sea basins, and their respective ecosystems, as well as the improvement and standardisation of the models applied, must be one of the highest priorities of the reform; is concerned at the lack of reliable and available scientific data needed for sound scientific advice;

29. Stresses that scientific fisheries research is an essential tool for fisheries management which is indispensable both in order to identify the factors that influence the development of fishery resources, with a view to carrying out a quantitative assessment and developing models making it possible to forecast their development, and in order to improve fishing gear, vessels and working and safety conditions for fishermen, in conjunction with their knowledge and experience;

30. Calls on the Commission to make proposals on effective quality data collection for scientists, harmonised at the EU level; urges it, at the same time, to establish a framework for decision-making in data-deficient situations and to come up with scientific models on which to base multi-species fisheries management; stresses the need to involve fishermen, as well as all stakeholders, alongside scientists in contributing to the collection and analysis of information and the active development of research partnerships;

31. Notes that the main reasons for the lack of basic scientific data on the majority of stocks are inadequate reporting by Member States, the lack of adequate funding, and limited human and technical resources in the Member States; calls on the Commission, in this connection, to establish a system whereby Member States which do not fulfil their data collection and transmission obligations are sanctioned; believes that the new EMFF should provide Member States with technical and financial assistance, if necessary, for the collection and analysis of reliable data, and that adequate financial resources have to be allocated to relevant scientific research in the Member States;

32. Notes that the Union contribution to funding the acquisition, processing and availability of scientific data, in order to support knowledge-based management, does not currently exceed 50 %; calls, therefore, for the Union's efforts in this area to be increased;

33. Calls on the Commission to establish a definition of overcapacity at EU level which accommodates regional definitions, taking into account local specificities; further calls on the Commission to redefine fishing capacity in such a way that both the vessel's fishing capacity and actual fishing effort are taken as a basis; stresses, moreover, the necessity of defining small-scale fisheries in order to dissociate them from industrial fisheries;

II – Socio-economic sustainability

34. Considers living marine resources to be a common public asset which cannot be privatised; rejects the creation of private property rights for access to exploit this public asset;

35. Notes that the proposal contained in the basic regulation to introduce 'transferable fishing concessions' (TFCs), as the sole means of solving the problem of overcapacity, could generate anti-competitive, speculative and concentration practices, and believes that it should therefore be voluntary in nature and subject to the decision of the Member States, as is currently the case; points out that the direct experience of some Member States which have already introduced TFC systems without effective restrictions and safeguards shows a direct correlation between their introduction and an increase in the concentration of fishing rights in the hands of a few traders, and a consequent rise in the prices of fishery products; notes that, although in some countries the implementation of such a system has been followed by reductions in fleet capacity, this has been mainly at the expense of small-scale and artisanal coastal fishing, which are not the most environmentally destructive fleet segments, but the most economically endangered part of the industry and the biggest provider of jobs and economic activity in coastal regions; recalls that a reduction in fishing capacity does not necessarily mean a reduction in fishing activity, but merely the concentration of fishery resource exploitation in the hands of more economically competitive operators; emphasises that, if TFC schemes were introduced, adequate safeguards would need to be put in place in order to protect small-scale and coastal fishing;

36. Believes that priority access to fishing grounds should be offered to those who fish in a socially and environmentally responsible way; points out that a reduction in the capacity of certain fisheries can be achieved without the use of TFCs; calls on the Member States to implement the measures most appropriate to their circumstances in order to reduce capacity wherever necessary;

37. Considers that the economic viability of the fisheries sector is affected by, among other factors, the volatility of oil prices; calls on the Commission to come up with suitable measures to improve fuel efficiency in the fisheries and aquaculture sector without increasing fishing capacity, to alleviate the difficult economic situation in which European fishermen and fish farmers find themselves and to propose, in this connection, an action plan for coastal regions and islands, in particular the outermost regions;

38. Recalls that the world's oceans, through fisheries, not only provide nutrition, food security and a livelihood for 500 million people worldwide, and at least 50 % of the animal protein consumed by 400 million people in the poorest countries, but are also crucial in mitigating climate change, as blue carbon sinks represent the largest long-term sink of carbon, provide transport and are home to some 90 % of the habitat for life on earth;

39. Reaffirms the need for strict monitoring and certification of fisheries products entering the Union market, including imports, in order to ensure that they originate from sustainable fisheries and that, in the case of imported products, they meet the same requirements with which Union producers have to comply – for example with regard to labelling, traceability, phytosanitary regulations and minimum size;

A future for jobs in the fisheries and aquaculture industry

40. Believes strongly that the reformed CFP must not be removed from the socio-economic and environmental context in which it exists; considers that the fisheries and extensive aquaculture sectors must be seen as important direct and indirect sources of job creation that vitalise the economy in our maritime regions and underpin their economy as a whole, while also contributing to food security in the EU; believes that, to this end, the CFP should help to enhance the standard of living of those communities that depend on fisheries, and grant better working conditions for fishermen, in particular through compliance with health and safety legislation and the rules established by collective labour agreements;

41. Is concerned that more than 30 % of jobs in the catching sector were lost in the past decade; considers that the reduction of fish stocks, the absence of a guaranteed minimum wage, low value at first sale and difficult working conditions are obstacles to the necessary renewal of human resources in the sector;

42. Notes with satisfaction that some studies show that considerable social and economic benefits would accrue from allowing fish stocks to increase to levels above those capable of producing MSY, including increased employment and catches and improved profitability;

43. Considers that the fisheries sector can remain sustainable if a balance between socio-economic and environmental aspects is found, and if there are sufficient adequately trained and skilled workers; believes that, in order to achieve this, careers in fishing need to become attractive and standards of qualification and training need to meet international and European requirements; calls on the Commission to promote proper training and education schemes relating to best practice and marine biology in different areas of the sector, since this could help to attract young people and to develop competitive and sustainable fisheries and a sustainable aquaculture sector; believes that there should be scope for start-up packages in order to secure a new generation of fishermen entering into small-scale fisheries;

44. Welcomes the Commission's proposal for a 'Blue Growth initiative on sustainable growth from the oceans, seas and coasts'; considers that greater professional mobility in the fishing sector, the diversification of jobs and the identification of tools making it possible to match skills, qualifications and education programmes to the sector's needs are important for the growth of the maritime, fisheries and aquaculture industries;

45. Considers that women's role in the fisheries sector should be given greater legal and social recognition and recompense; insists that women in the fisheries sector should enjoy rights equal to those of men in every respect, for example as regards membership of and eligibility for the governing bodies of fisheries organisations; considers that the spouses and life partners of fishermen supporting the family undertaking should de facto be given a legal status and social benefits equivalent to those enjoyed by people with self-employed status, as provided for by Directive 2010/41/EU; considers, further, that funding from the EFF and the future EMFF should be made available for training specifically tailored to women working in the fisheries sector;

46. Fears that the reform of the CFP could, in the absence of suitable accompanying measures, lead to job losses in the short term, especially in the catching and onshore packing sectors, thus permanently affecting the fragile growth of coastal communities and islands, particularly in the outermost regions; stresses, in this connection, that there is a need for accompanying socio-economic measures, including professional cooperation and a plan for jobs, in order to offset the temporary effects of achieving the MSY targets and to make the sector more attractive to young people and provide incentives to enter it; calls on the Commission to explore and promote cooperation with the European Investment Bank in order to leverage investment in the sector;

47. Considers it necessary to promote the development of fisheries-related innovations and activities which can offset the jobs lost as a result of the adjustments arising from the reform of the CFP; urges the Commission to develop specific programmes dedicated to the development of fishing tourism and other areas of economic development linked to the sea and to fishing activity;

III – Regionalisation

48. Shares the view expressed in the Commission proposal regarding the need for adaptation and specific measures based on the disparate realities of the European fishing and aquaculture industry, especially in the case of the Union's coastal areas and outermost regions; supports the idea of establishing regionalisation as one of the main instruments of this new form of governance, in order to respond adequately to the needs of each sea basin and incentivise adherence to rules adopted at European level;

49. Believes that the reform should be an opportunity for a significant move towards a new form of cooperation between the scientific community, industry and the social partners, in order to implement the process of regionalisation;

50. Stresses the importance of the fisheries sector in relation to the socio-economic situation, employment and the promotion of economic and social cohesion in the outermost regions, which are characterised by economies with permanent structural constraints and few opportunities for economic diversification;

51. Believes that, as far as regionalisation is concerned, clear and simple rules must be established at the appropriate level, thus increasing compliance; also strongly believes that the RACs, with wider representation and more responsibilities, should further promote dialogue and cooperation between stakeholders and contribute actively to the establishment of multiannual management plans; recalls the role of the co-legislators in adopting those plans;

52. Believes, more generally, that the role of the RACs should be strengthened in terms of representativeness and power; urges the Commission, in this connection, to table a new proposal aimed at strengthening the participation of stakeholders and artisanal and small-scale fisheries, thus leading to genuine regionalisation under the CFP; welcomes, in this regard, the Commission's proposal to set up a Black Sea Advisory Council; stresses also that the General Fisheries Commission for the Mediterranean (GFCM) is not an adequate framework for the management of the Black Sea, a new Regional Fisheries Management Organisation (RFMO) being necessary; calls on the Commission to intensify the dialogue with the Black Sea countries, particularly with regard to the exploitation and conservation of fish stocks; requests the creation of an Outermost Regions Advisory Council; believes that, following the Commission's guidance on the principles of regionalisation and subsidiarity, consideration should be given to setting up an RAC for the outermost regions, taking into account the sensitive nature of their specific features; emphasises that the RACs must advise Parliament and the Council on the adoption of multiannual plans, and involve scientists in the adoption of their decisions;

53. Believes that regionalisation of the CFP must reflect the geographical scale of the fisheries being managed, with objectives and principles being adopted by the EU co-legislators and the details of the management measures being decided at the regional level as locally as possible, meaning that for some fisheries this would be across several Member States, whereas for others it could be within part of a single Member State; recognises that new structures may need to be created in order to enable such a system to function;

54. Believes that it is important to place greater value on certain segments of the European fisheries sector, for example small-scale coastal fishing, which in some geographical areas, such as the Mediterranean Sea, helps to secure wealth and jobs;

55. Is also convinced that a more holistic and integrated view of the marine environment is needed, and that marine spatial planning at the local and regional level, involving all stakeholders, is a necessary tool in order to implement a genuine ecosystem approach to management;

56. Notes that effective planning at a regional or local level will facilitate the most appropriate use of marine resources, taking into consideration local conditions, market demands, competing uses, the need for protected areas, the designation of specific areas where only certain best practice fishing gear are allowed, etc.;

57. Stresses that an ambitious and real reform of the CFP can be facilitated if sufficient financial resources are made available for the next 10 years, in order to support all the reform measures and tackle the socio-economic and environmental problems that may arise; rejects any calls from Member States to seek to reduce the level of EU funds allocated to fisheries and aquaculture;

58. Emphasises, in particular, the importance of synergies between the European Regional Development Fund (ERDF), the ENPI and the EFF for planning in coastal areas; believes that macro-regional strategies, European territorial cooperation programmes and sea basin programmes are relevant tools for implementing integrated development strategies for the EU's coastal territories;

59. Stresses the need for the future EFF to offer grants for modernisation of fishing fleets on the grounds of safety, environmental protection and fuel economy;

60. Stresses that new funds should be allocated for new policies, objectives or priorities with an impact on the marine environment; rejects the financing of these new priorities, objectives or policies (such as the Integrated Maritime Policy) at the expense of the funds required for the fisheries policy;

61. Recalls the obligation laid down in Article 208 TFEU whereby the EU must take account of the objectives of development cooperation in the policies it implements which are likely to affect developing countries, including the CFP;

62. Stresses that imported fisheries and aquaculture products should be subject to the same environmental, hygiene and social standards as European domestic production, including full 'sea-to-table' traceability, and takes the view that developing countries will need financial and technical assistance in order both to reach the same standards and to combat illegal, unreported and unregulated fishing more effectively;

63. Stresses that any access to fisheries resources in developing countries must comply not only with Article 62 of the United Nations Convention on the Law of the Sea (UNCLOS) regarding surplus stocks, but also with Articles 69 and 70 on the rights of land-locked and geographically disadvantaged states within the region, especially with respect to the nutritional and socio-economic needs of local populations;

64. Reiterates the basic condition of surplus, as set out in the UNCLOS, when accessing fish stocks in third countries' waters; emphasises the importance of properly and scientifically establishing the surplus; stresses that the CFP must provide for transparency and the exchange of all relevant information between the EU and partner third countries concerning the total fishing effort for the stocks concerned by national and, where relevant, foreign vessels;

65. Reiterates that the future CFP must be guided by principles of good governance, including transparency and access to information, in accordance with the Aarhus Convention, and the evaluation of sustainable partnership agreements (SFAs);

66. Emphasises that the EU should promote sustainable resource management in third countries, and therefore calls for it to step up action to combat illegal, unreported and unregulated fishing activities; stresses that sustainable fisheries agreements should be more focused on scientific research and data collection, monitoring, control and surveillance; believes that, to this end, the EU should direct the appropriate support in terms of financial, technical and human resources to partner third countries;

67. Reiterates that the CFP must be coherent with development and environment policies, including the protection of marine ecosystems; calls, therefore, for action to improve and expand scientific knowledge, as well as for stronger international cooperation in order to ensure better performance;

68. Reiterates that all EU nationals must abide, wherever they operate, by the rules and regulations of the CFP, including its environmental and social regulations;

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

Thursday 13 September 2012

18th report on better legislation – Application of the principles of subsidiarity and proportionality (2010)

P7_TA(2012)0340

European Parliament resolution of 13 September 2012 on the 18th report on Better legislation - Application of the principles of subsidiarity and proportionality (2010) (2011/2276(INI))

(2013/C 353 E/14)

The European Parliament,

— having regard to the Interinstitutional Agreement on better law-making [1],

— having regard to the Joint Political Declaration of the Member States and the Commission of 28 September 2011 on explanatory documents [2],

— having regard to the Joint Political Declaration of the European Parliament, the Council and the Commission of 27 October 2011 on explanatory documents [3],

— having regard to the practical arrangements agreed on 22 July 2011 between the competent services of the European Parliament and the Council for the implementation of Article 294(4) TFEU in the event of agreements at first reading,

— having regard to its resolution of 14 September 2011 on better legislation, subsidiarity and proportionality and smart regulation [4],

— having regard to its resolution of 14 September 2011 on the twenty-seventh annual report on monitoring the application of European Union law [5],

— having regard to its resolution of 8 June 2011 on guaranteeing independent impact assessments [6],

— having regard to the Commission report on subsidiarity and proportionality (18th report on Better Lawmaking covering the year 2010) (COM(2011)0344),

— having regard to the Commission report on minimising regulatory burdens for SMEs - Adapting EU regulation to the needs of micro-enterprises (COM(2011)0803),

— having regard to the Commission communication on the 28th annual report on monitoring the application of EU law (2010) (COM(2011)0588),

— having regard to the Commission communication on Smart Regulation in the European Union (COM(2010)0543),

— having regard to the conclusions of the Competitiveness Council of 5 December 2011 on impact assessment,

— having regard to the conclusions of the Competitiveness Council of 30 May 2011 on smart regulation,

[1] OJ C 321, 31.12.2003, p. 1.
[2] OJ C 369, 17.12.2011, p. 14.
[3] OJ C 369, 17.12.2011, p. 15.
[4] Texts adopted, P7_TA(2011)0381.
[5] Texts adopted, P7_TA(2011)0377.
[6] Texts adopted, P7_TA(2011)0259.

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— having regard to the report of 15 November 2011 of the High Level Group of Independent Stakeholders on Administrative Burdens, entitled 'Europe can do better: Report on the best practices in the Member States to implement EU legislation in the least burdensome way',

— having regard to Rule 48 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on Constitutional Affairs (A7-0251/2012),

A. whereas in 2010 the European Parliament received more than seven times as many contributions as reasoned opinions from national parliaments;

B. whereas the smart regulation agenda constitutes an attempt to consolidate efforts in terms of better lawmaking, simplification of EU law and the reduction of administrative and regulatory burdens, and to embark on a path towards good governance based on evidence-based policymaking in which impact assessments and ex post controls play an essential role;

C. whereas the Interinstitutional Agreement on better lawmaking of 2003 has become ill-suited to the current legislative environment as created by the Treaty of Lisbon, not least in view of the piecemeal approach taken by the EU institutions in terms of adopting joint political declarations on explanatory documents and secretariat-level practical arrangements for the implementation of Article 294 TFEU;

D. whereas an incorrect choice between using delegated acts under Article 290 TFEU or implementing acts under Article 291 TFEU in a legislative act subjects it to the risk of being annulled by the Court of Justice;

General comments

1. Underlines the overarching need for legislation to be clear, simple, easy to understand and accessible to all;

2. Stresses that the principles of subsidiarity and proportionality must be respected by the European institutions when legislating;

3. Expresses its deep concern regarding the Impact Assessment Board's view that the Commission's consideration of these principles in its impact assessments are is often unsatisfactory in nature; considers it of the utmost importance that the Commission address any deficiencies in this area in order to ensure that these principles are respected;

4. Reiterates its repeated calls for the 2003 Interinstitutional Agreement on Better Lawmaking to be renegotiated in order to take account of the new legislative environment created by the Treaty of Lisbon, consolidate current best practice and bring the agreement up to date in line with the smart regulation agenda; suggests that arrangements concerning the demarcation between delegated and implementing acts be agreed in that context; asks its President to take the necessary steps to open negotiations with the other institutions;

Subsidiarity control by national parliaments

5. Welcomes the closer involvement of the national parliaments in the European legislative process, particularly with regard to scrutinising legislative proposals in the light of the principles of subsidiarity and proportionality;

6. Notes that in 2010 211 opinions were received from national parliaments but that only a small number of them – 34 in all – raised subsidiarity concerns; points out that the conditions of Article 2, first sentence, of the Protocol on the application of the principles of subsidiarity and proportionality were

fulfilled for the first time in May 2012 in connection with the proposal for a Council regulation on the exercise of the right to take collective action within the context of the freedom of establishment and the freedom to provide services (COM(2012)0130); calls on the Commission, in this connection, to carry out the necessary review of the draft with the utmost regard for the express will of the national parliaments, as the new scrutinising procedure is intended to ensure that decisions are taken as closely to the citizens as possible;

7. Calls for an independent analysis to be carried out on behalf of the Commission to examine the role of regional or local parliaments in the area of subsidiarity controls; points, in this context, to the IPEX internet platform, financed by the European Parliament and national parliaments, which is particularly helpful for exchanging information in connection with the scrutinising procedures;

8. Suggests that the institutions involved in lawmaking should be reminded of the need to ensure that the principles of subsidiarity and proportionality are correctly applied under the terms of Protocol No 2 annexed to the Treaty on the Functioning of the European Union;

9. Notes that the criticism made by the Impact Assessment Board concerning consideration of subsidiarity was also made by a number of national parliaments in their submissions under the subsidiarity control mechanism introduced in the Treaty of Lisbon; further notes, however, that on no occasion in 2010 was the threshold for activating the formal procedures under Protocol No 2, as annexed to the Treaties, reached;

10. Notes, however, that on 22 May 2012, for the first time since the entry into force of the Lisbon Treaty, national parliaments triggered the 'yellow card' procedure by adopting reasoned opinions opposing the Commission proposal for a Council regulation on the exercise of the right to take collective action within the context of the freedom of establishment and the freedom to provide services (COM(2012)0130);

11. Notes with concern that some opinions from national parliaments highlight the fact that in a number of Commission proposals the subsidiarity justification is insufficient or non-existent;

12. Highlights the need for the European institutions to make it possible for national parliaments to scrutinise legislative proposals by ensuring that the Commission provides detailed and comprehensive grounds for its decisions on subsidiarity and proportionality, in accordance with Article 5 of Protocol No 2 to the Treaty on the Functioning of the European Union (TFEU);

13. Suggests that an assessment be made to determine whether appropriate criteria should be laid down at EU level for evaluating compliance with the principles of subsidiarity and proportionality;

14. Considers that the current timescales laid down in the Treaties for national parliaments to carry out subsidiarity checks should be reviewed to determine whether they are sufficient; suggests that the EP, the Commission and representatives of the national parliaments investigate how any impediments to national parliaments' participation in the subsidiarity control mechanism might be alleviated;

15. Recalls that, in accordance with the principle of subsidiarity, the EU shall take action outside its areas of exclusive competence only and insofar as the objectives of a planned measure can be better achieved at Union level than at national, regional or local level; subsidiarity may, therefore, lead both to an extension of the activities of the Union within the framework of its powers when circumstances so require and, conversely, to the action concerned being restricted or curtailed where it is no longer justified; emphasises that subsidiarity, in this context, not only applies to the relationship between the EU and its Member States but also encompasses the regional and local levels;

16. Urges the Commission to improve and regularise the statements which justify its legislative initiatives on the grounds of subsidiarity; recalls that EU administrative law should be adjusted and simplified in order to reduce administrative and regulatory costs; considers that, in this context, the principles of subsidiarity and proportionality should be applied accordingly;

17. Regrets that the Commission has not properly reported on the application of the principle of proportionality, especially with regard to the use of Articles 290 and 291 TFEU on delegated and implementing acts; warns the Council not to blur the clear distinction between delegated and implementing acts; urges the Commission to ensure the proper application of these two articles;

18. Recognises that there has been only one judgment by the European Court of Justice on proportionality and subsidiarity in the reporting period (on 'roaming' in mobile telephony), noting that the Court found that there was no breach of either of those two principles in that case, since it was necessary to limit prices for final consumers in order to protect their interests, and as this objective was best achieved at Union level;

19. Welcomes, in this regard, the introduction of the above-mentioned revised IPEX website, which can act as a catalyst for further improvements and engagement in the operation of the subsidiarity control mechanism, and stresses the need to promote this site further;

20. Emphasises that it is essential for scrutiny of the principle of subsidiarity to extend to the regional and local levels in the Member States; welcomes, in this regard, the Subsidiarity Annual Report published by the Committee of the Regions and the REGPEX website set up by the Committee, both of which assist the exchange of information and will make for further improvements in the monitoring of subsidiarity;

21. Calls on the national parliaments, in accordance with the Subsidiarity Protocol, to consult the regional parliaments with legislative powers; calls on the Commission, in the scrutiny of subsidiarity and particularly in its annual reports on subsidiarity and proportionality, to pay attention to the role of the regional parliaments with legislative powers;

Evidence-based policymaking

22. Stresses the importance of the smart regulation agenda and of developing new regulatory approaches in order to ensure that EU legislation is fit for its purpose and can effectively contribute to facing future challenges of competitiveness and growth;

23. Notes the crucial importance of impact assessments as tools for aiding decision-making in the legislative process, and stresses the need, in this context, for proper consideration to be given to issues relating to subsidiarity and proportionality;

24. Emphasises Parliament's commitment to its obligations under the smart regulation agenda, and encourages use of Parliament's Impact Assessment Directorate by committees engaging in legislative work as a matter of routine; recalls the commitment made by Parliament and Council in the 2005 Inter-institutional Common Approach to Impact Assessment to carry out impact assessments prior to the adoption of substantive amendments, and calls on the committees to make use of the new Impact Assessment Directorate in implementing this commitment;

25. Suggests that as part of a more systematic approach to the consideration of impact assessments within Parliament, the Impact Assessment Directorate should be asked by committees to prepare a short summary of each impact assessment for consideration when an initial exchange of views is held; suggests that this summary could include a brief conclusion as to the quality of the impact assessment, together with a short note on the key findings and any areas of analysis omitted by the Commission; is of the view that this would greatly enhance the scrutiny of draft legislation by Parliament;

26. Considers it essential that the methodologies applied by the Impact Assessment Directorate are compatible and comparable with the approach adopted by the Commission, and calls on Parliament and the Commission to cooperate fully in this regard;

27. Recalls the 2003 Interinstitutional Agreement on Better Lawmaking, and encourages the Council to complete work on establishing its own mechanism for undertaking impact assessments without undue delay, in compliance with its obligations under the 2003 agreement;

28. Encourages the Commission to continue improving its own approach to impact assessments, and calls on it to strengthen the role of the Impact Assessment Board and, in particular, only to finalise and present legislative proposals where they have been approved with a favourable opinion from the Board;

Minimising regulatory burdens

29. Welcomes the Commission's communication on minimising regulatory burdens for SMEs; considers it essential that the Commission respects the 'think small first' principle when preparing legislation, and is encouraged by the commitment shown by the Commission and its desire to go beyond present approaches and introduce lighter regimes and exemptions for smaller businesses;

30. Recalls Parliament's position on the issue of regulatory exemptions, and urges the Commission to extend exemption to SMEs where regulatory provisions would disproportionately affect them and there is no sound reason for including them in the scope of the legislation; welcomes the renewed focus on a robust application of the SME test, and sees the micro-dimension as an inherent part of that test in which all available options are systematically assessed; in this regard welcomes the Commission's position regarding inclusion of micro-entities, which should only be included to the full extent in the scope of draft legislation if they satisfy the strengthened SME test;

31. Reminds the Commission, however, that the reversal of the burden of proof should not automatically lead to more complex legislation which has been developed without SMEs in mind; calls on the Commission to strive for the simplification of legislation wherever possible, and to continue to prepare and present proposals with accessibility and ease of implementation for SMEs as guiding principles in the drafting of legislation, even where an exemption may apply;

32. Stresses the need for the Commission to ensure consistent application of the enhanced SME test across its directorates, and calls on Member States to include similar considerations in their national decision-making processes;

33. Welcomes the 'tailor-made' approach to legislation proposed by the Commission; calls for consideration to be given to possible future application of 'tailor-made' approaches when existing legislation is reviewed;

Follow-up, ex post controls and feedback into the policymaking cycle

34. Welcomes the Commission's adoption of Parliament's recommendation on publication of information concerning implementation, thus addressing the problem of 'gold-plating'; reminds the Commission and the Council that in order to ensure that existing and future programmes to reduce burdens are successful, active cooperation between the Commission and the Member States is necessary, so as to avoid discrepancies in the interpretation and implementation of legislation; urges Member States to reduce their administrative burden by a further 25 % by 2015;

35. Considers the proposals to 'name and shame' European institutions which backtrack on simplification to be well-intentioned; believes, however, that a more constructive engagement in the pre-legislative process with relevant stakeholders and the institutions, together with adherence to the general commitments to simplification and the smart regulation agenda, would render such publicity unnecessary; suggests, nonetheless, that those Member States which engage the most in the 'gold-plating' of directives should be named, alongside those which are the biggest offenders when it comes to late, imprecise or incomplete transposition of EU law;

36. Recalls its previous statements concerning the need for a comprehensive review of the consultation process undertaken by the Commission, and looks forward to the Commission adopting Parliament's recommendations in this area before the end of 2012;

Ensuring continuity and vigilance

37. Underlines the importance of these measures as a key element for renewed economic growth in the EU; recalls, in this regard, its resolution on smart regulation, and invites the Commission to put forward proposals implementing regulatory offsetting, which would require equivalent cost offsets to be identified in advance of new legislation that would introduce costs being imposed; recalls, furthermore, its position in favour of extending and expanding the scope of the Administrative Burden Reduction Programme, and urges the Commission to introduce, in its 2013 Work Programme, a programme which addresses the need to reduce the overall regulatory burden;

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

EU Cohesion Policy Strategy for the Atlantic Area

P7_TA(2012)0341

European Parliament resolution of 13 September 2012 on the EU Cohesion Policy Strategy for the Atlantic Area (2011/2310(INI))

(2013/C 353 E/15)

The European Parliament,

— having regard to Article 225 of the Treaty on the Functioning of the European Union,

— having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'Developing a Maritime Strategy for the Atlantic Ocean Area' (COM(2011)0782),

— having regard to the conclusions adopted by the Council on 14 June 2010 concerning the European Union strategy for the Atlantic area,

— having regard to the European Union Strategies for the Baltic Sea Region and the Danube Region,

— having regard to its resolution of 9 March 2011 on the European Strategy for the Atlantic Region [1],

[1] OJ C 199 E, 7.7.2012, p. 95

— having regard to the opinion of the European Economic and Social Committee on the Commission communication entitled 'Developing a Maritime Strategy for the Atlantic Ocean Area' (ECO/306),

— having regard to the opinion of the Committee of the Regions on the Commission communication entitled 'Developing a Maritime Strategy for the Atlantic Ocean Area',

— having regard to its resolution of 23 June 2011 on Objective 3: future agenda for cross-border, transnational and interregional cooperation ([1]),

— having regard to Rule 48 of its Rules of Procedure,

— having regard to the report of the Committee on Regional Development and the opinion of the Committee on Transport and Tourism (A7-0222/2012),

A. whereas the Atlantic area has a number of defining characteristics that require political answers at European level:

— it is a dynamic maritime area;

— it is an area with a fragile marine environment;

— it is an area that forms the western approach to the EU;

— it is an outlying area within the EU;

B. whereas the situation has become worse as a result of the European crisis and many regions in the Atlantic area have suffered setbacks in their levels of development;

C. whereas the Atlantic area is composed of a rather disparate collection of regions, many of which have still not reached the EU's average income level and thus remain under the convergence objective for the purposes of European cohesion policy;

D. whereas a macroregional strategy is essential in order to revitalise the Atlantic area by offering a common approach, for the purposes of:

— tackling the common challenges and issues facing the Atlantic countries and regions;

— promoting synergies among the various instruments and levels of action involved in spatial planning policies;

— involving stakeholders (the private sector, regional and local public authorities, civil society organisations) in designing and implementing spatial planning policies;

E. whereas the strategy should cover all the EU's Atlantic regions, including the coastal regions of the English Channel and the Irish Sea, the outermost regions and the overseas countries and territories, and should take into account the interactions between Atlantic regions and North Sea regions;

F. whereas we must secure environmentally, socially and economically sustainable development for the above regions;

([1]) Texts adopted, P7_TA(2011)0285.

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A spatial planning policy for the Atlantic

1. Hopes that the strategy will adopt a broad approach by setting out an agreed strategic vision for the future development of the Atlantic area, incorporating the territorial dimension, developing linkages between land and sea, and establishing a framework to better manage maritime and terrestrial planning policy in the Atlantic regions;

2. Requests that the valuable lessons learned from the development of existing macroregional and other transnational strategies be taken fully on board in the Atlantic Strategy process, particularly on issues such as governance, policy development, communication and ownership, targets and evaluation;

3. Believes that cohesion policy is a key instrument for tackling the challenges of the EU's territorial policy and boosting endogenous development in the regions within the macroregion;

4. Calls for the Strategy and its Action Plan to place a strong emphasis on jobs, growth and investment in regions, both maritime and inland;

5. Calls for the creation of a permanent maritime spatial planning structure for the Atlantic area, comprising the regions and Member States concerned and the Commission, for the purposes of coordinating the strategy laid down and monitoring the implementation of the action plan from an intersectoral and transnational perspective;

6. Considers an EU-wide integrated marine and maritime data management system to be of crucial importance with a view to taking advantage of maritime opportunities; calls on the Commission to continue its efforts to improve data management and accessibility;

7. Considers that vigorous action is needed to safeguard the ecological balance and biodiversity of the Atlantic and reduce the carbon footprint in that area;

8. Believes that sea-fishing, in particular small-scale and coastal fisheries, and aquaculture activities must play a key role in maritime planning policies, since they could make a decisive contribution to more vigorous economic growth and to wealth and job creation; takes the view that the regionalisation of the common fisheries policy should result in the introduction of an ecosystem-based management approach tailored to the needs of the Atlantic area, and in this connection asks the Commission to engage in prior consultations with the Regional Advisory Councils (RACs) in the context of the implementation of the common fisheries policy and the management plans;

9. Calls for local, regional and crossborder partnerships to be set up with the aim of improving risk prevention and risk management capacities in the Atlantic in connection with maritime and land-based accidents, natural disasters and criminal activities (piracy, trafficking, illegal fishing, etc), and for sufficient and flexible mechanisms to be created to cover replacement and compensation for damage incurred; calls for a European coastguard service to be established;

10. Calls for the improvement of the existing vessel monitoring systems, immediate application of EMSA's strengthened powers, and the conclusion of data-sharing agreements between the competent authorities, in order to permit the identification and tracking of ships and fight threats such as crossborder crime, smuggling, illegal fishing and trafficking; stresses the importance of promoting the deployment and implementation of the European satellite navigation programmes (EGNOS and Galileo), in order to cover search and rescue support systems in the Atlantic; recalls the need to ensure long-term financing by the Union of the Global Monitoring for Environment and Security (GMES) programme, which contributes in particular to the prevention and management of maritime risks;

11. Considers that the territorial dimension of the strategy is essential for purposes of making the Atlantic regions more accessible, and that it should focus on linking the Atlantic area with the European mainland, connecting the transport, energy and information networks, developing the rural and urban parts of the hinterland, and improving the land-sea links, including the outermost and island regions;

12. Believes that the motorways of the sea help to provide access to the Atlantic regions, increase trade, stimulate port-based economic activity, encourage tourism and reduce CO_2 emissions; considers it important that CO_2 emission reduction measures should allow for Atlantic seaborne trade and the specific features of the outermost regions, where the carriage of goods and passengers by sea is vital for territorial, social, and economic cohesion in the true sense; calls for the motorways of the sea to be eligible for support under the Connecting Europe Facility;

13. Encourages, for the sake of the sustainability of the motorways of the sea and in line with the Europe 2020 Strategy, the establishment of specific recommendations concerning vessels, with a view to promoting the inclusion of propulsion systems with low carbon emissions and the use of building criteria that are demanding in terms of efficiency, comfort, capacity, safety, location and telecommunications; stresses that such recommendations should focus on increasing the efficiency of this mode of transport, ensuring environmental preservation and facilitating this mode's integration with other transport networks and modes;

14. Considers it essential to improve the connections between the Atlantic regions and the rest of Europe through investment in multimodal transport infrastructures;

15. Stresses the need for effective crossborder coordination and cooperation for the construction and use of road and rail infrastructures, including high-speed train lines, airports, seaports, inland ports, hinterland terminals and logistics, with a view to developing a more sustainable and multimodal transport system;

16. Emphasises the economic and territorial importance of ports and believes that the existence of rail and inland waterway connections with their hinterlands is crucial for their ability to compete;

17. Regrets that there is no corridor covering the whole of the Atlantic area in the Commission proposals on the core network of trans-European transport networks, and that too few Atlantic ports are proposed in this core network; considers it necessary to include other Atlantic ports as hub ports and intends to put forward proposals to this effect;

18. Recalls the benefits of creating a Single European Sky, with a view to strengthening territorial cohesion via increased traffic between regional airports within the Union, and therefore calls on the Commission to ensure the use of functional airspace blocks within the deadlines set for achieving this objective;

An industrial policy for the Atlantic

19. Hopes that the strategy will support the competitiveness of the dynamic economic sectors in the Atlantic regions, through an appropriate industrial policy; believes, in this regard, that private-sector investment should be supported by the public authorities in the areas of research and development, innovation, cluster development and SME support;

20. Calls for particular attention to be paid to regions affected by the restructuring of enterprises and sectors, and by the closure or relocation of enterprises, with the aim of promoting their reindustrialisation by generating synergies between port activity, logistics and the development of ancillary industries offering greater added value; also calls for a mechanism to be created for exchanging successful industrial practices among Atlantic Arc regions;

21. Considers that the strategy should encourage marine and maritime research and give businesses easier access to the findings of that research, with a view to improving scientific knowledge of the marine environment, encouraging innovation in maritime industries and allowing the sustainable exploitation of marine resources;

22. Is of the opinion that the strategy should contain an ambitious social dimension in order to promote training and access for young people to maritime professions, by consolidating employment structures currently linked to the sea and their role in enabling the population to remain in coastal areas, and also by creating new specialisations that can contribute to the sustainable development of fishing areas and help improve the quality of life in these areas;

23. Stresses that renewable marine energies comprise an industrial sector for the future that can combat climate change and EU energy dependence, achieve greater energy sustainability within the Atlantic regions, and meet the Europe 2020 targets; notes that the Atlantic area is particularly suitable for the promotion of such energies, and considers that public support is necessary to accompany private investment in the technologies concerned, especially offshore wind energy and wave and tidal energy;

24. Underlines the strategic importance of maritime transport along the Atlantic seaboard and the links between the outermost regions and mainland areas; calls on the Commission to propose measures to simplify the administrative formalities in ports, without losing the ability to control and verify the correctness of operations and cargoes;

25. Emphasises the economic importance of the maritime industries in the Atlantic regions, especially the shipbuilding industry, which is experiencing an extremely difficult situation in some Atlantic of those regions, and for which the Commission needs to facilitate solutions; calls on the Commission to relaunch the LeaderSHIP 2015 initiative in order to strengthen this sector's ability to compete on the global market;

26. Emphasises the importance of sea-fishing activities and aquaculture in the Atlantic regions, and is in favour of public support for the renewal and modernisation of fishing vessels and of special differentiation as regards the characteristics and potential of artisanal coastal fishing and shellfishing;

27. Emphasises the importance of promoting socially, economically and environmentally sustainable forms of tourism that can constitute a significant source of added value for the Atlantic regions while protecting their ecosystem and biodiversity; points out that support for nautical tourism is a way to develop sports activities and boost cruise tourism;

28. Underlines that the Atlantic seabed is home to a wealth of resources, and believes that the strategy should facilitate their sustainable exploration and exploitation;

An action plan for 2014-2020

29. Calls for an external dimension to the strategy, with a view to advancing certain objectives and attracting international investment so as to capitalise on the opportunities that exist, and suggests that the marketing of the Atlantic area as a place to invest in, visit and do business must be a key element of the Action Plan;

30. Calls on the Commission to establish the Atlantic macroregion and propose an action plan to implement the strategy in the period 2014-2020;

31. Calls for a multi-level governance approach to be applied to the elaboration, implementation, evaluation and review of the action plan, in which regional and local public authorities, Atlantic Member States, private sector stakeholders and civil society organisations are closely involved;

32. Stresses that the action plan should use existing European funding, rather than creating any new budgetary instruments;

33. Calls for the action plan to be linked to the EU's regional policy, the Integrated Maritime Policy, research and innovation policy (Horizon 2020), and the Connecting Europe Facility; is of the opinion that it is essential to create synergies with other European policies in the areas of research and innovation, transport, the environment, energy, technology, tourism, fisheries and aquaculture, and international cooperation;

34. Draws attention to the important role which the European Investment Bank, project bonds and public-private partnerships could play in providing funding for the investment required under the strategy;

35. Insists that the future Atlantic strategy must be based on the thematic pillars of the Europe 2020 Strategy, since this will make it possible to link the thematic contents with sectoral policies in an integrated way; takes the view, in this context, that the objectives and thematic concentration proposed for the five funds included in the common strategic framework for European cohesion policy for the next programming period should form the framework of the action plan; underlines the objectives of 'strengthening research, technological development and innovation', 'enhancing the competitiveness of SMEs', 'supporting the shift towards a low-carbon economy' and 'promoting sustainable transport and removing bottlenecks in key network infrastructures';

36. Calls for the partnership contracts and operational programmes to be bindingly geared to the corresponding priorities of the macroregional strategies in which they participate, in order to ensure that measures under the operational programmes and the priorities of macroregional strategies are closely aligned, resulting in the Structural Funds being used much more efficiently and added value being created at regional level; points out that this binding gearing must cover not only operational programmes falling under the cohesion policy's territorial cooperation objective (INTERREG), but also the operational programmes for each region in the Atlantic area;

37. Supports the recognition and incorporation of preexisting territorial cooperation strategies, projects and experiences, which may offer lines of action and political and operational priorities to the action plan; calls for due account to be taken of the action plan during the design and implementation of future territorial cooperation programmes concerned by the strategy; believes, in addition, that technical support should be provided under the transnational strand of the European territorial cooperation objective for implementation of the action plan, inter alia so as to facilitate the pooling of best practice and networking;

38. Considers multiregional, multi-fund operational programmes and integrated territorial investment (ITI) to be particularly useful means of facilitating implementation of the action plan;

39. Proposes that the annual implementation reports for the relevant programmes should include an assessment of how programmes are contributing to the objectives of the Atlantic Strategy and the implementation of the Action Plan;

40. Points out that the outermost regions could serve as natural laboratories for research and development activities related to renewable energies and the maritime economy; draws attention to the importance of the tourism sector for these regions and to the possibility of setting up logistics platforms to facilitate the transport of goods between Europe and the other global economies;

41. Invites the national, regional and local authorities to look for synergies between their policies and the priorities of the action plan;

42. Points out that the involvement in the strategy of European funds under direct and shared management will make it necessary to devise a suitable management and control system, and therefore calls for the establishment of a management platform for the action plan, offering an information and communication module for beneficiaries and facilitating coordination among the various authorities responsible for managing the funds;

43. Recommends that the Atlantic Strategy must firstly agree on a Strategic Vision for the Atlantic Area, which will provide the reference for the Action Plan 2014-2020; further proposes that this Action Plan should:

— establish key priorities, measures and identify flagship projects;

— set out clearly defined roles and responsibilities for all policy and implementation stakeholders;

— set out key targets and a range of indicators to measure delivery;

— agree a process of evaluation and a mid-term review of achievements; and

— identify the necessary resources to implement the Action Plan.

44. Points out that an Atlantic Forum has been set up for 2012 and 2013 under a preparatory action proposed by Parliament, in order to involve all stakeholders in the drafting of the action plan; stresses that, as the instigator of the forum, Parliament has a leading role therein;

45. Proposes that the Action Plan be adopted by the Atlantic Forum, and calls on the forthcoming Irish presidency to prioritise European Council endorsement of the Action Plan during its term of office, with a focus on delivery, a credible process for monitoring and ongoing evaluation, and scheduling a mid-term review;

46. Calls on the Commission to study the possibility of also drawing up similar macroregional strategies in other regions where such a measure would lead to lasting and sustainable economic growth;

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

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Situation in Syria

P7_TA(2012)0351

European Parliament resolution of 13 September 2012 on Syria (2012/2788(RSP))

(2013/C 353 E/16)

The European Parliament,

— having regard to its previous resolutions on Syria,

— having regard to the Foreign Affairs Council's conclusions on Syria of 23 July, 25 June, 14 May, 23 April and 23 March 2012; having regard to the European Council's conclusions on Syria of 29 June 2012,

— having regard to the statements by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy on Syria of 15 March, 14 and 27 April, 27 May, 3 and 18 June, 6, 8 and 20 July, 3, 4, 8 and 18 August, and 5 September 2012,

— having regard to the statements by the Commissioner responsible for International Cooperation, Humanitarian Aid and Crisis Response on Syria of 17 and 31 July and 29 August 2012,

— having regard to the three-day visit of the President of the International Committee of the Red Cross to Syria from 4 to 6 September 2012,

— having regard to the decision taken on 17 August 2012 by United Nations Secretary-General Ban Ki-moon and League of Arab States Secretary-General Nabil El Araby to appoint Lakhdar Brahimi as the new Joint Special Representative for Syria,

— having regard to Council Regulation (EU) No 509/2012 of 15 June 2012 amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, and the subsequent Council decisions enforcing these measures,

— having regard to UN General Assembly resolution 66/253 of 3 August 2012 on the situation in the Syrian Arab Republic,

— having regard to UN Human Rights Council resolutions 19/1 of 1 March 2012, S-19/1 of 1 June 2012 and 20/L.22 of 6 July 2012 on the human rights situation in Syria,

— having regard to the report of the UN Independent International Commission of Inquiry on Syria of 15 August 2012,

— having regard to the decision taken by the Organisation of Islamic Cooperation (OIC) on 13 August 2012 of to suspend Syria's membership,

— having regard to the National Pact and the Common Political Vision for the Transition in Syria issued following the Syrian opposition conference held under the auspices of the League of Arab States in Cairo on 2-3 July 2012,

— having regard to the outcome of the Action Group meeting in Geneva on 30 June 2012,

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— having regard to the Annan Plan and United Nations Security Council resolutions 2042, 2043 and 2059,

— having regard to the conclusions and recommendations of 'The Day After project: Supporting a Democratic Transition in Syria', published in August 2012,

— having regard to the Universal Declaration of Human Rights of 1948,

— having regard to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocol thereto on the Involvement of Children in Armed Conflict, and the Convention on the Prevention and Punishment of the Crime of Genocide, to all of which Syria is a party,

— having regard to Rule 110(2) and (4) of its Rules of Procedure,

A. whereas, according to the UN, since the start of the violent crackdown on peaceful protesters in Syria in March 2011, nearly 20 000 people, most of them civilians, have been killed; whereas heavy violence, such as the use of heavy artillery and shelling against populated areas, and horrific killings by the Syrian army, security forces and the Shabiha, as well as by various opposition forces, have continuously increased; whereas there have been several massacres and mass targeted (point-blank) killings of men, women and children; whereas the use of torture, mass arrests and widespread destruction of populated areas has dramatically escalated over the last months; whereas cities and towns throughout Syria are being kept under siege and are being bombarded, *inter alia* by means of helicopters and fighter jets, by government-led forces; whereas through the increased militarisation of the conflict the situation is sliding into civil war;

B. whereas any further militarisation of the situation in Syria would have a serious impact on its civilian population, which is already facing a rapidly deteriorating humanitarian situation, and would also continue to affect the wider region, in particular Jordan and Lebanon, in terms of security and stability, with unpredictable implications and consequences;

C. whereas, according to UN estimates, an estimated 5 000 people were killed in August as a result of the ongoing fighting, which means that over 20 000 people have died since the start of the conflict; whereas, due to the intensification of the violence and the precarious security and humanitarian conditions in Syria, neighbouring countries, especially in the last weeks, are assisting a significantly escalating number of Syrian citizens seeking refuge, particularly in Turkey, Jordan and Lebanon; whereas 235 000 refugees from Syria have been registered or are awaiting registration with the UN High Commission for Refugees; whereas over 75 % of theses refugees are women and children; whereas tens of thousands of refugees are not registering; whereas more than 100 000 refugees are believed to have fled Syria across the borders of Jordan, Lebanon, Iraq and Turkey at an average rate of 500-2000 per day during August; whereas, according to UN estimates, more than 1,2 million people have been internally displaced within Syria and around 3 million are in need of urgent humanitarian assistance; whereas the Syrian regime has deliberately cut off access to food, water, electricity and medical supplies to entire communities, such as in Homs and, more recently, in Aleppo; whereas Turkey has asked the UN Security Council to consider setting up a safe zone for civilians guarded by neighbouring countries;

D. whereas on 2 August 2012 Kofi Annan announced his resignation as UN-LAS Joint Special Envoy for Syria as a result of Syrian regime intransigence, increasing armed violence and the failure of a divided Security Council to rally forcefully behind his efforts to implement the six-point peace plan; whereas former Algerian Foreign Minister Lakhdar Brahimi has recently been appointed the new Joint Special Representative for Syria of the UN and the League of Arab States;

E. whereas the Syrian regime has lost all credibility and legitimacy as a representative of the Syrian people;

F. whereas vetoes by Russia and China have prevented the UN Security Council from adopting a resolution endorsing the outcome of the efforts of the Action Group for Syria and have prevented the introduction of the proposed measures to enforce compliance with the six-point Annan Plan under Article 41 of the UN Charter; whereas the international community has thus so far failed to unite and give an adequate response to the crisis in Syria;

G. whereas President Bashar al-Assad and his authoritarian regime have no place in the future of Syria; whereas the President must step down to avoid any further escalation of the crisis and to allow a peaceful and democratic transition to take place in the country; whereas several former political and military leaders of the regime as well as ambassadors have defected to neighbouring countries and beyond;

H. whereas a credible alternative is needed to the current regime; whereas this alternative should be inclusive and representative of the diversity of Syrian society and should fully respect the universal values of democracy, the rule of law, human rights and fundamental freedoms, with special regard for the rights of ethnic, cultural and religious minorities and of women; whereas the establishment of an inclusive and representative provisional government by opposition forces may contribute to this alternative;

I. whereas the EU has imposed targeted sanctions on Syria in several rounds, and has further strengthened its arms embargo against Syria; whereas despite an EU embargo in force on weapons, munitions and other military equipments, as well as a ban on the export of monitoring technologies, several reported incidents involving arms shipments through EU waters and leaked details of business transactions between EU companies and various Syrian entities, groups and persons, covered by the EU's sanctions, have indicated the EU's internal incompetence to implement its own decisions and regulations;

J. whereas various external actors and states, either directly or through regional channels and neighbouring countries, continue to actively support all the parties to the conflict, with financial, operational, logistical and tactical support and aid, including the supply of weapons, munitions and all other types of military equipment, the provision of logistical assistance, the provision of communication tools and all kinds of assistance that may be used for military purposes, highlighting the pan-regional nature of the conflict; whereas further militarisation of the conflict can only bring greater suffering to the Syrian people and the region as a whole;

K. whereas the Commission announced on 7 September 2012 that an additional EUR 50 million in humanitarian assistance would be mobilised to support people in need of such assistance within Syria and those crossing the borders; whereas according to ECHO the EU has already provided EUR 142 million and the total EU assistance, including aid from Member States, amounts to about EUR 224 million;

L. whereas Syrian opposition representatives have held several meetings over the past months with the aim of overcoming internal divergences and creating a united front, and issued a 'National Pact' and a 'Common Political Vision for the Transition in Syria', as well as the conclusions and recommendations of 'The Day After project: Supporting a Democratic Transition in Syria'; whereas, despite all efforts, internal divisions and tensions within this opposition persist;

M. whereas, on 1 July 2012, the Action Group for Syria, meeting in Geneva, agreed on principles and guidelines for a Syrian-led transition which includes the establishment of a transitional government body exercising full executive powers;

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1. Reiterates its condemnation in the strongest possible terms of the ever increasing use of indiscriminate violence by President Assad's regime against the Syrian civilian population, in particular the targeted killing of children and women and mass executions in villages; expresses its deepest concern at the gravity of the human rights violations and possible crimes against humanity authorised and/or perpetrated by the Syrian authorities, the Syrian army, security forces and affiliated militias; condemns the summary extrajudicial executions and all other forms of human rights violations committed by groups and forces opposing the Assad regime;

2. Applauds the efforts of neighbouring countries in hosting and providing humanitarian relief to refugees from Syria and calls for increased international support and assistance in this context; stresses the crucial importance of finding a sustainable response to the humanitarian crisis both within Syria and among refugees from Syria in neighbouring countries; urges neighbouring countries to continue to provide protection to refugees from Syria and displaced persons and to refrain, in line with their international obligations, from expelling and returning any such persons to Syria; calls on the EU to take appropriate responsible measures regarding the possible influx of refugees into its Members States; stresses the need to cooperate with the Red Cross; welcomes the EU's readiness to offer additional support, including financial resources, to help neighbouring countries, including Turkey, Lebanon and Jordan, to host the increasing number of refugees from Syria, and urges the EU and its Member States to step up their efforts to find alternative ways to deliver humanitarian assistance to the people of Syria, in spite all the obstacles and difficulties;

3. Calls on the Syrian regime to allow the swift provision of humanitarian assistance and full access to humanitarian organisations and the international media Syria, and to facilitate the implementation of humanitarian pauses in order to allow the safe delivery of humanitarian aid; stresses again that international humanitarian law must be fully respected by all those involved in the crisis; stresses that medical attention should never be withheld from those who are injured and in need of help, and calls on all the parties involved to protect civilians, allow full and unimpeded access to food, water, electricity and refrain from using all forms of intimidation and violence against patients, doctors, medics and aid workers;

4. Extends its condolences to the families of the victims; reiterates its solidarity with the Syrian people's struggle for freedom, dignity and democracy, and applauds their courage and determination, especially with regard to women;

5. Calls on all armed actors to put an immediate end to violence in Syria; calls on the Syrian Government to withdraw the Syrian army from besieged towns and cities without delay, to immediately release all detained protesters, political prisoners, human rights defenders, bloggers and journalists;

6. Deplores the fact that the UN Security Council has failed to act and has not agreed on a resolution to add more robust and effective pressure in order to end the violence in Syria; reiterates its call on UN Security Council members, in particular Russia and China, to uphold their responsibility to put an end to the violence and repression against the Syrian people, including by supporting forced compliance with UNSC resolutions 2042 and 2043; continues to support the efforts of the EU and its Member States in this regard; calls on the VP/HR to do her utmost to secure the adoption of a UNSC resolution, exerting effective diplomatic pressure on both Russia and China;

7. Stresses that the EU should stand ready to adopt further measures and to continue to explore within the UNSC all options within the Responsibility to Protect (RtoP) framework, in close cooperation with the US, Turkey and the League of Arab States in order to assist the Syrian people and to halt the bloodshed;

8. Supports calls by several opposition groups and the Turkish Government to establish safe havens along the Turkish-Syrian border, and possibly within Syria, as well as the creation of humanitarian corridors by the international community; calls on the VP/HR to intensify discussions with Turkey, the Arab League and the Syrian opposition on the establishment of these safe havens to take in Syrian refugees and allow those persecuted by the regime to find refuge and protection;

9. Reiterates its call for President Assad and his regime to step aside immediately, so as to allow a peaceful, inclusive and democratic Syrian-led transition to take place as soon as possible;

10. Calls on all parties to agree on (local) ceasefires as soon as possible, so as to allow a broader negotiated and meaningful ceasefire;

11. Expresses its concern about further militarisation of the conflict and sectarian violence; notes the role of different regional actors, including the delivery of arms, and is concerned about the spill-over effects of the Syrian conflict in neighbouring countries; calls on the Council to consider the adoption of additional restrictive measures against external actors and groups involved in operations on the ground to actively support the Bashar al-Assad regime;

12. Condemns the Syrian regime's expressed intention to use chemical weapons against 'external terrorist threats', reminds President Assad of his government's obligations under the Geneva protocol on the non-use of chemical weapons and calls on the Syrian authorities to rigorously abide by their international obligations;

13. Supports the EU's ongoing efforts to step up the pressure on President Assad's regime through restrictive measures, calls on the EU to consider broadening the scope of its restrictive measures to external entities or groups that undisputedly provide or facilitate crucial financial and operational support to the Syrian authorities;

14. Welcomes the decision of the Islamic Summit Conference of 14-15 August 2012 to suspend the Syrian Arab Republic's membership of the Organisation of Islamic Cooperation and all its subsidiary organs, specialised and affiliated institutions;

15. Welcomes the efforts made by Syrian opposition representatives to create a united front of opposition forces, as well as the recently issued 'National Pact', 'Common Political Vision for the Transition in Syria', and conclusions and recommendations of 'The Day After project: Supporting a Democratic Transition in Syria'; encourages the Syrian opposition to continue on this path with the aim of creating a credible alternative to the regime and urges the VP/HR and EU Member States to make every effort to unify the Syrian opposition; welcomes the strong support shown by Turkey; Lebanon and Jordan for the Syrian population; urges the VP/HR to make every effort to start discussions with the authorities of Turkey, Lebanon and Jordan, the Arab League and the Syrian opposition on preparing the peaceful transition for the post-Assad Syria;

16. Reiterates its strong endorsement of the call by the UN Human Rights Commissioner for a referral by the UNSC of the situation in Syria to the ICC for a formal investigation; strongly commits itself to ensure that all those responsible for human rights violations and violations of international law will be identified and held accountable; strongly supports the work of the Independent International Commission of Inquiry on Syria, which is aimed at investigating all violations of international human rights and humanitarian law committed in the country so as to ensure that those responsible are held to account, and calls on EU Member States during the 21st session of the UNHRC to ensure that the Commission can continue its work with adequate reinforcements if necessary;

17. Calls for a peaceful and genuine Syrian-led political transition to democracy which meets the legitimate demands of the Syrian people and is based on an inclusive dialogue involving all democratic forces and components within Syrian society, with a view to launching a process of deep democratic reform, that also takes account of the need to ensure national reconciliation and is committed to ensuring respect for the rights and freedoms of minorities including ethnic, religious, cultural and other minorities;

18. 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 Government and Parliament of the Russian Federation, the Government and Parliament of the People's Republic of China, the Government and Parliament of the Republic of Turkey, the Government and Consultative Assembly of the State of Qatar, the Government and House of Representatives of the United States of America, the Government of the Kingdom of Saudi Arabia, the Government and Parliament of the Hashemite Kingdom of Jordan, the Government and Parliament of the Republic of Lebanon, the Secretary-General of the United Nations, the Secretary-General of the League of Arab States and the Government and Parliament of the Syrian Arab Republic.

Political use of justice in Russia

P7_TA(2012)0352

European Parliament resolution of 13 September 2012 on the political use of justice in Russia (2012/2789(RSP))

(2013/C 353 E/17)

The European Parliament,

— having regard to its previous reports and resolutions on Russia, in particular its resolutions of 15 March 2012 [1] on the outcome of the presidential elections in Russia, of 16 February 2012 [2] on the upcoming presidential election in Russia, of 14 December 2011 [3] on the State Duma elections and of 7 July 2011 [4] on the preparations for the Russian State Duma elections in December 2011,

— 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 the International Covenant on Civil and Political Rights and to the Convention for the Protection of Human Rights and Fundamental Freedoms, which states that everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law,

— having regard to the Constitution of Russia, in particular Article 118 thereof, which states that justice in the Russian Federation shall be administered by courts alone, and Article 120 thereof, which provides that judges are independent and are subordinate only to the Russian Constitution and the federal law,

— having regard to the Statement of 17 August 2012 by EU High Representative Catherine Ashton on the sentencing of 'Pussy Riot' punk band members in Russia,

— having regard to the request by the Russian Prosecutor-General to vote on early dismissal of the Just Russia Member of the Duma Gennady Gutkov on 12 September 2012,

[1] Texts adopted, P7_TA(2012)0088.
[2] Text adopted, P7_TA(2012)0054
[3] Text adopted, P7_TA(2011)0575.
[4] Text adopted, P7_TA(2011)0335.

— having regard to Rule 110(2) and (4) of its Rules of Procedure,

A. whereas the Russian Federation, as a full member of the Council of Europe and the Organisation for Security and Cooperation in Europe, has committed itself to the principles of democracy, the rule of law and respect for human rights; whereas because of several serious violations of the rule of law and the adoption of restrictive laws during the past months there are increasing concerns with regard to Russia's compliance with international and national obligations;

B. whereas the European Union remains committed to further deepening and developing the relations between EU and Russia, which is shown by the Union's commitment to engage seriously in negotiating a new framework agreement for the further development of EU-Russia relations, and whereas the European Union and Russia have established deep and comprehensive relations, particularly in the energy, economic and business sectors, and have become mutually interdependent in the global economy;

C. whereas the human rights situation in Russia has deteriorated drastically in the last few months and the Russian authorities have recently adopted a series of laws which contain ambiguous provisions and could be used to further restrict opposition and civil society actors and hinder freedom of expression and assembly; whereas such aspects should be addressed in due course as a priority issue, in particular during EU-Russia bilateral meetings and negotiations;

D. whereas the deaths of Anna Politkovskaya, Natalia Estemirova, Anastasia Barburova, Stanislav Markelov and Sergei Magnitsky remain unaccounted for;

E. whereas Mikhail Khordorkovsky and his business associate Platon Lebedev were given a guilty verdict for embezzlement by Moscow's Khamovnichesky district court on 30 December 2010; whereas the prosecution, the trial and the verdict were internationally portrayed as being politically motivated;

F. whereas the case of Sergei Magnitsky is only one of several cases of abuse of power by the Russian law enforcement authorities, strongly violating the rule of law and leaving those guilty of causing his death still unpunished; whereas there are a multitude of other judicial cases where politically constructed reasons are being used to eliminate political competition and threaten civil society;

G. whereas the sentencing of the members of the Russian punk group Pussy Riot to two years' imprisonment for a protest performance against President Vladimir Putin in a Moscow Orthodox cathedral is disproportionate;

H. whereas the Duma is scheduled to vote on 12 September 2012 to lift the mandate of Gennady Gudkov for business activities during his mandate without following the necessary democratic procedures; whereas, for the sake of the rule of law, parliamentary rules should apply equally and impartially to all members of the Duma; whereas other members of the Fair Russia faction such as Dimitri Gudkov and Ilya Ponomarev face similar accusations;

I. whereas the new NGO legislation and the legislation on the right to freedom of assembly could be used to suppress civil society, stifle opposing political views and harass NGOs, democratic opposition and the media; whereas the Russian Parliament adopted a bill in July 2012 granting the status of 'foreign agent' to Russian non-commercial organisations engaged in political activities and financed from abroad;

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J. whereas, contrary to the statements and pledges by President Putin and Prime Minister Medvedev, there is a growing pressure on the political freedoms of Russian citizens; whereas President Putin has declared the urgent need to overcome enormous corruption in Russia and has made a public commitment to strengthening the rule of law in Russia and raised concerns regarding the independence of Russia's judiciary and legal system;

1. Notes that meaningful, constructive EU-Russia relations depend on the efforts to strengthen democracy, the rule of law and respect for fundamental rights; underlines the fact that the medium- and long-term political and economic stability and development of Russia are dependent on the prevalence of the rule of law and the emergence of true democratic choice;

2. Takes the view that Russia, as a member of the Council of Europe and the Organisation for Security and Cooperation in Europe, should meet the obligations it has signed up to; points out that recent developments have moved in the opposite direction to the reforms necessary to improve democratic standards, the rule of law and the independence of the judiciary in Russia;

3. Welcomes the Supreme Court decision of 25 July 2012 to review both the Khoderkovsky and the Lebedev cases in line with the recommendation of the Presidential Council on Human Rights of December 2011; notes the shortening of Lebedev's sentence by three years; calls for the continuation of a comprehensive review of these cases based on Russian international commitments to fair and transparent trials and the findings and recommendations of the Presidential Council on Human Rights to be fully respected and implemented with regard to the case of Mr Khodorkovsky;

4. Calls on the Russian authorities to bring the perpetrators to justice in the murder cases of Anna Politkovskaya and Natalya Yestemirova, and urges them to conduct a credible and independent investigation of the Magnitstky and other cases, and to put an end to the omnipresent impunity and pervasive corruption in the country;

5. Expresses its deep concern regarding other politically motivated trials, in particular the criminal prosecution of scientists accused of espionage for cooperating with foreign scientific institutions, the conviction of opposition activist Taisia Osipova to eight years of penal colony in a trial referred to as politically motivated, using dubious and possibly fabricated evidence and not meeting the standards of a fair trial, the detention of, and politically motivated criminal charges against, more than a dozen participants in the protest demonstration in Moscow on 6 May 2012 who were wrongly accused in connection with the alleged 'mass riots', and the criminal investigation into opposition activists, such as Alexei Navalny, Boris Nemtsov and Sergey Udalcov;

6. Expresses its deep disappointment with the verdict and the disproportionate sentence issued by the Khamovnichesky District Court in Russia in the case of Nadezhda Tolokonnikova, Maria Alyokhina and Ekaterina Samutsevitch, members of the punk band 'Pussy Riot'; notes with concern that this case adds to the recent upsurge in the politically motivated intimidation and prosecution of opposition activists in the Russian Federation, a trend that is of growing concern to the European Union; reaffirms its belief that this sentence will be reviewed and reversed in line with Russia's international commitments;

7. Takes note of the Prosecutor-General's request to vote on early termination of Gennady Gudkov' status of deputy in the Duma for business activity during to his parliamentary mandate, in contradiction of Article 289 of the Russian Criminal Code; stresses that the initiation of the parliamentary political procedure to strip Gennady Gudkov, a member of the opposition Just Russia party, of his parliamentary mandate is widely perceived as intimidation targeting the legitimate political activity of an opposition party which supported demands by the protest movement; calls on Russia to refrain from using laws arbitrarily for the purpose of clamping down on Members of the opposition;

8. Expresses, however, its concern about the deteriorating climate for the development of civil society in Russia, in particular with regard to the recent adoption of a series of laws governing demonstrations, NGOs, defamation and the internet which contain ambiguous provisions and could lead to arbitrary enforcement; reminds the Russian authorities that a modern and prosperous society needs to recognise and protect the individual and collective rights of all its citizens; calls, in this context, on the Russian competent bodies to amend the new laws on NGOs so as to safeguard citizens' associations that receive financial support from reputable foreign funds from political persecution;

9. Expresses concern also about the law on extremism in terms of the wide discretion in the interpretation of its basic notions on 'extremist actions' and 'extremist organisations', which, according to the Venice Commission of the Council of Europe, could lead to arbitrariness and restriction of the freedoms of association, expression and belief; calls on the Russian authorities to address these concerns by amending the law;

10. Recalls that former President Medvedev established a working group on reform of the electoral system and improving respect for the rule of law and fundamental rights in Russia; recalls that the European Parliament has urged the Russian authorities to pursue these reforms and has constantly offered EU support, including through the framework provided by the Partnership for Modernisation;

11. Condemns the recently adopted legislation to criminalise public information about sexual orientation and gender identity in various Russian regions and similar plans at federal level; reminds the Russian authorities of its obligations to uphold the freedom of expression and the rights of LGBT people;

12. Calls on the HR/VP and the Commission to offer consistent, deep support to civil society activists and representatives of the new grassroots social movement; calls on the EU to exert constant pressure on the Russian authorities to meet the OSCE standards of human rights, democracy, the rule of law and the independence of the judiciary;

13. Underlines the importance of the continuous exchange of views on human rights with Russia within the EU-Russia Human Rights Consultations as a way to consolidate our interoperability in all the fields of cooperation, and demands an improvement in the format of these meetings in order to gain effectiveness, with special attention for common action against racism and xenophobia, and for this process to be opened to effective input from the European Parliament, the State Duma and the human rights NGOs, and expects the dialogue to take place alternately in Russia and in an EU Member State;

14. 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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Proposals for a European banking union (EBU)

P7_TA(2012)0353

European Parliament resolution of 13 September 2012 Towards a Banking Union (2012/2729(RSP))

(2013/C 353 E/18)

The European Parliament,

— having regard to the report by the President of the European Council of 26 June 2012 entitled 'Towards a Genuine Economic and Monetary Union',

— having regard to the European Council Conclusions of 28 and 29 June 2012,

— having regard to the Euro Area Summit Statement of 29 June 2012,

— having regard to the Commission communication of 20 October 2009 entitled 'An EU Framework for Cross-Border Crisis Management in the Banking Sector' (COM(2009)0561),

— having regard to its resolution of 7 July 2010 with recommendations to the Commission on Cross-Border Crisis Management in the Banking Sector [1],

— having regard to the G20 Leaders Statement issued at the Pittsburgh Summit of 24 and 25 September 2009, as regards cross-border resolutions and systemically important financial institutions,

— having regard to its resolution of 6 July 2011 on the financial, economic and social crisis: recommendations concerning the measures and initiatives to be taken [2],

— having regard to the Commission proposal of 6 June 2012 for a directive of the European Parliament and of the Council establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directives 77/91/EEC and 82/891/EEC, Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC and 2011/35/EU and Regulation (EU) No 1093/2010 (COM(2012)0280),

— having regard to Directive 2001/24/EC of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding up of credit institutions [3],

— having regard to Recommendation 13 of the report submitted to Commission President Barroso on 25 February 2009 by the High-Level Group on Financial Supervision in the EU chaired by Jacques de Larosière, which states, '[t]he Group calls for a coherent and workable regulatory framework for crisis management in the EU',

[1] OJ C 351 E, 2.12.2011, p. 61.
[2] Texts adopted, P7_TA(2011)0331.
[3] OJ L 125, 5.5.2001, p. 15.

— having regard to its resolution of 20 October 2010 with recommendations to the Commission on improving the economic governance and stability framework of the Union, in particular in the euro area ([1]), and in particular Recommendation 6 thereof,

— having regard to Regulation (EU) No 1092/2010 of the European Parliament and of the Council of 24 November 2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board ([2]),

— having regard to Council Regulation (EU) No 1096/2010 of 17 November 2010 conferring specific tasks upon the European Central Bank concerning the functioning of the European Systemic Risk Board ([3]),

— having regard to Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC ([4]),

— having regard to the report of its Committee on Economic and Monetary Affairs on the proposal for a regulation of the European Parliament and of the Council establishing a European Banking Authority (A7-0166/2010),

— having regard to the letters from its Committee on Economic and Monetary Affairs to both the Commission and the European Supervisory Authorities (ESAs) regarding the independence of ESAs,

— having regard to the Memorandum of Understanding of 1 June 2008 on cooperation between the financial supervisory authorities, central banks and finance ministries of the European Union on cross-border financial stability ([5]),

— having regard to the Commission proposal of 20 July 2011 for a regulation of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms (COM(2011)0452),

— having regard to the Commission proposal of 20 July 2011 for a directive of the European Parliament and of the Council on the access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms and amending Directive 2002/87/EC of the European Parliament and of the Council on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate (COM(2011)0453),

— having regard to Second Council Directive 77/91/EEC of 13 December 1976 on coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies, in respect of the formation of public limited liability companies and the maintenance and alteration of their capital, with a view to making such safeguards equivalent ([6]), Third Council Directive 78/855/EEC of 9 October 1978 concerning mergers of public limited liability companies ([7]) and Sixth Council Directive 82/891/EEC of 17 December 1982 concerning the division of public limited liability companies ([8]),

([1]) OJ C 70 E, 8.3.2012, p. 41.
([2]) OJ L 331, 15.12.2010, p. 1.
([3]) OJ L 331, 15.12.2010, p. 162.
([4]) OJ L 331, 15.12.2010, p. 12.
([5]) ECFIN/CEFCPE(2008)REP/53106 REV REV.
([6]) OJ L 26, 31.1.1977, p. 1.
([7]) OJ L 295, 20.10.1978, p. 36.
([8]) OJ L 378, 31.12.1982, p. 47.

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— having regard to its position of 16 February 2012 on the proposal for a directive of the European Parliament and of the Council on Deposit Guarantee Schemes (recast) ([1]),

— having regard to its position of 5 July 2011 on the proposal for a directive of the European Parliament and of the Council amending Directive 97/9/EC of the European Parliament and of the Council on investor-compensation schemes ([2]),

— having regard to the opinion of its Committee on Economic and Monetary Affairs of 31 August 2011 for its Committee on Budgets on 'Parliament's position on the 2012 Draft Budget as modified by the Council – all sections' (2011/2020(BUD)),

— having regard to the oral question to the Commission on proposals for a European Banking Union (O-000151/2012 – B7-0360/2012),

— having regard to Rules 115(5) and 110(2) of its Rules of Procedure,

A. whereas the G20 Leaders Statement issued at the Pittsburgh Summit of 24 and 25 September 2009 called for agreement to be reached on addressing cross-border resolutions and systemically important financial institutions by the end of 2010;

B. whereas it is crucial to mobilise all efforts to stabilise the European financial market and break the link between banks and sovereigns, in order to start moving towards a genuine economic and monetary union;

C. whereas back in July 2010 Parliament identified – through its resolution on Cross-Border Crisis Management in the Banking Sector and its report on the proposal for a regulation of the European Parliament and of the Council establishing a European Banking Authority – solutions to cross-border crisis management issues, namely an integrated supervisory mechanism, the reform of the Deposit Guarantee Schemes Mechanism and the creation of a European Stability Fund;

D. whereas for banks in the euro area the ESM could, following a regular decision, have the possibility to recapitalise banks directly;

E. whereas the European Council and the Council are finally reaching the same conclusions as Parliament as regards the need for a more integrated supervision system, and are now calling for the establishment of a Banking Union through the setting-up of single supervisory mechanism in conjunction with deposit guarantee schemes and a resolution scheme;

F. whereas full parliamentary involvement is essential to the democratic legitimacy of the process leading to the establishment of such a Banking Union, as clearly stated in the fourth 'building block' identified in the aforementioned report by Herman Van Rompuy, namely that of strengthening democratic legitimacy and accountability;

G. whereas Parliament has been fully involved in the establishment of the European System of Financial Supervision (ESFS), including the establishment of the European Banking Authority, through the codecision procedure;

([1]) Texts adopted, P7_TA(2012)0049.
([2]) Texts adopted, P7_TA(2011)0313.

H. whereas, in obvious contradiction of these very principles, but also of the Commission's right of initiative, the European Council has asked the latter to come up with a proposal on a single supervisory mechanism with Article 127(6) of the Treaty on the Functioning of the European Union as its sole legal basis, thereby depriving Parliament of its legislative power in single-market matters which are otherwise dealt with through codecision;

I. whereas involving only the Member States in the procedure, far from making the process faster and more efficient, would send the public a negative signal at a time when the need for greater transparency and democratic support is widely acknowledged;

1. Reiterates that, in moments of crisis, the Community method must always prevail, because this is the only way of ensuring that the Union is able to come out of the crisis stronger;

2. Urges political leaders to encourage democratic legitimacy in all European Union affairs;

3. Stresses the need to enhance democratic legitimacy with regard to the proposed Banking Union and single supervisory mechanism by fully involving Parliament as co-legislator;

4. Stresses the need to give due consideration to the potential mutual spill-over effects of the Banking Union in the euro area for non-euro area members;

5. Stresses that it will consider proposals on the Banking Union as a package in the event that they amend legislation adopted through the codecision procedure;

6. Stresses that any major change in supervision, including shifts to other institutions, must be accompanied by an equivalent increase in transparency and accountability of such institutions vis-à-vis Parliament, which must have full questioning rights and full powers in relation to appointment and budgetary procedures;

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

South Africa: massacre of striking miners

P7_TA(2012)0354

European Parliament resolution of 13 September 2012 on South Africa: massacre of striking miners (2012/2783(RSP))

(2013/C 353 E/19)

The European Parliament,

— having regard to the South Africa-EU Strategic Partnership Joint Action Plan, which is the sole partnership of its kind concluded between the EU and an African country to date,

— having regard to the ACP-EC Partnership Agreement ('Cotonou Agreement'),

— having regard to the ILO Declaration on Fundamental Principles and Rights at Work and its follow-up,

— having regard to the UN Global Compact and the OECD Guidelines for Multinational Enterprises,

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— having regard to the International Council for Mining and Metals' Sustainable Development Framework,

— having regard to the trade, development and cooperation agreement signed between the European Union and South Africa in 1999, completed in 2009 with provisions on political and economic cooperation,

— having regard to President Jacob Zuma's press statement of 17 August 2012,

— having regard to the remarks by High Representative Catherine Ashton of 23 and 24 August 2012 following the 11th South Africa-EU Ministerial Political Dialogue with Foreign Minister Nkoana-Mashabane,

— having regard to the ACP-EU JPA resolution of 30 May 2012 on the social and environmental impact of mining in the ACP countries,

— having regard to Rule 122(5) and 110(4) of its Rules of Procedure,

A. whereas 34 people were shot dead and at least 78 were injured on 16 August 2012 in clashes between police and striking miners at the Marikana Lonmin platinum mine in North West Province, South Africa; whereas this was preceded by several days of violent strike action, in which 10 people were killed, including two security guards and two police officers;

B. whereas 270 mineworkers were arrested at the strikes and charged for the deaths of their own companions under an apartheid-era 'common purpose' law;

C. whereas, following public outcry, prosecutors have dropped the murder charges against the mine-workers arrested on 16 August 2012 while the public violence case against them has been postponed until the completion of investigations;

D. whereas the shooting constitutes the bloodiest incident between police and protesters since the end of apartheid in 1994;

E. whereas the incident is to be seen in the wider perspective of the huge socioeconomic imbalances the country has been facing; whereas South Africa, since the fall of the apartheid regime, has succeeded in building a democratic state but is still facing crucial economic and social challenges, with the persistence of great inequality as well as a high rate of poverty and unemployment;

F. whereas, after these bloody events, President Zuma publicly deplored this tragic state of affairs;

G. whereas a Judicial Commission of Inquiry has been established by President Zuma to investigate the killings, and South Africa's Independent Police Investigative Directorate (IPID) has also initiated an investigation into the killings; whereas an inter-ministerial committee responsible for finding a lasting solution to the problems which caused these killings has been set up;

H. whereas the lack of a reform of labour dispute mechanisms has led to considerable economic costs for South Africa and has been a deterrent to foreign investment;

I. whereas the striking miners were in a pay dispute with the mine's owner, Lonmin, a London-listed platinum mining company – the world's third largest;

J. whereas intense political and union rivalry has contributed to the dispute, in particular tensions between the National Union of Mineworkers (NUM) and the Association of Mineworkers and Construction Union (AMCU);

K. whereas the expelled former African National Congress Youth League (ANCYL) president, Julius Malema, has been seen supporting the striking miners and the AMCU;

L. whereas minerals and mining products from South Africa are exported, including to the countries of the European Union; whereas the mining sector is affected by depressed demand and increased operating costs;

M. whereas some workers at the Marikana Lonmin platinum mine are still on strike for better salaries;

N. whereas a strong police force was present on 5 September 2012 when more than 3 000 striking miners marched through the streets near the Marikana mine in the largest, non-violent protest since the 16 August 2012 shooting;

O. whereas action has spread to other mines, with four people wounded on 5 September 2012 in a confrontation at the Gold One Modder East mine where security guards fired rubber bullets at striking miners;

1. Strongly condemns the brutal killing of striking miners on 16 August 2012 as well as the preceding violence which claimed the lives of 10 people, including two security guards and two police officers;

2. Expresses its heartfelt sympathy to the families of all who have lost their lives since the beginning of the Marikana mine crisis;

3. Welcomes both President Zuma's decision to establish a Commission of Inquiry and the IPID initiative to investigate the killings;

4. Calls on the Commission of Inquiry to uphold transparency, to act thoroughly independently and impartially, and to ensure that its investigations complement those of the IPID;

5. Urges all affected parties to work with the Commission of Inquiry to establish the facts about what happened at Marikana;

6. Calls on the Commission of Inquiry to investigate the root cause of the excessive use of force by the police, and expresses its deep concern about the authorities' use of the apartheid-era 'common purpose' law;

7. Is concerned that South Africa's established social partners are losing legitimacy among citizens as a result of continuing signs of corruption at all levels;

8. Calls on the South African authorities and on Lonmin to ensure that the victims and their families have access to justice and are compensated and taken care of;

9. Calls for all those arrested to be treated fairly and in accordance with judicial procedures, including impartial and transparent police investigations;

10. Regrets Lonmin's failure to treat the labour dispute with the necessary sensitivity it deserved, and its failure to assume any responsibility, but welcomes the company's announcement not to dismiss strikers should they not go back to work, contrary to the company's previous demand;

11. Is deeply concerned about the threat of violence expressed by striking miners, in particular in view of the reported intimidation of mineworkers who have been threatened with death if they continue working; calls on all parties involved to ensure that protests remain peaceful;

12. Is concerned that the confrontation at the Gold One Modder East mine is a sign that the labour unrest may spread to the gold sector, leading to a possible spread of violence;

13. Reminds all parties of their obligation to respect international law, including ILO principles and priorities, and the South African Constitution which guarantees the rights of association, assembly and freedom of expression;

14. Calls on the South African authorities, the trade unions and Lonmin to continue to do their utmost to reach a swift, comprehensive and fair solution to the conflict and to the wage dispute, with the objective of bringing peace and stability to the area;

15. Calls for an urgent resolution of the ongoing disputes and conflicts between NUM and AMCU;

16. Insists that the issue of appropriate salaries for the workers in South African mines and inequity in the pay scale be addressed;

17. Acknowledges that the South African Government has taken a series of steps to improve working conditions in the mining industry, and urges the authorities to continue their efforts;

18. Calls on the South African Government to address the need for skills development within the South African Police Service, in particular in containing violent demonstrations and the use of live ammunitions; calls for the intensification of police training cooperation between the EU and South Africa;

19. Asks the Commission to establish a control mechanism aimed at preventing the import into the EU of mining products extracted without social, labour, safety and environmental guarantees; encourages the Commission to establish a quality label for mining products extracted in accordance with minimum social, labour, safety and environmental standards;

20. Urges the South African Government to address the root causes of the violence that occurred, including the worrying gap between rich and poor, the rise of youth unemployment and the working and living conditions of workers, and thereby end the extreme economic inequality;

21. Is ready to continue its support for South Africa, and emphasises the need for a sustained and more focused partnership to help the country address the socio-economic challenges it faces;

22. 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 Parliament and Government of South Africa, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly, the Pan-African Parliament and the African Union.

Thursday 13 September 2012

Persecution of Rohingya Muslims in Burma

P7_TA(2012)0355

European Parliament resolution of 13 September 2012 on the persecution of Rohingya Muslims in Burma/Myanmar (2012/2784(RSP))

(2013/C 353 E/20)

The European Parliament,

— having regard to its previous resolutions on Burma/Myanmar, and in particular that of 20 April 2012 [1],

— having regard to the progress report of 7 March 2012 by the UN Special Rapporteur on the situation of human rights in Myanmar,

— having regard to the Council conclusions of 23 April 2012 on Burma/Myanmar,

— having regard to the statement of 13 June 2012 by the spokesperson of High Representative Catherine Ashton on the crisis in northern Rakhine State in Burma/Myanmar,

— having regard to the exchange of views on the Rohingya issue which took place in its Subcommittee on Human Rights on 11 July 2012,

— having regard to the statement of 9 August 2012 by Commissioner Georgieva on humanitarian access to the Rohingya and other affected communities,

— having regard to the statement of 17 August 2012 by the ASEAN foreign ministers on the recent developments in Rakhine State,

— having regard to the UN Convention on the Status of Refugees of 1951 and the protocol thereto of 1967,

— having regard to Articles 18 to 21 of the Universal Declaration of Human Rights (UDHR) of 1948,

— having regard to Article 25 of the International Covenant on Civil and Political Rights (ICCPR) of 1966,

— having regard to the decisions allowing Burma/Myanmar to host the Southeast Asian Games in 2013 and to chair ASEAN in 2014,

— having regard to Rules 122(5) and 110(4) of its Rules of Procedure,

A. whereas since the new government of President Thein Sein took office in March 2011, it has taken numerous steps to expand civil liberties in the country, the majority of political prisoners have been released, with a number being elected to the Parliament in byelections, preliminary ceasefires have come into force with most armed ethnic groups, and many political dissidents have returned from exile in the hope of reconciliation;

[1] Texts adopted, P7_TA(2012)0142.

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B. whereas, however, discrimination against the Rohingya minority has intensified;

C. whereas on 28 May 2012 the rape and murder of a Buddhist woman set off a chain of deadly clashes between the majority Rakhine Buddhist population and the minority Rohingya Muslim community in Rakhine State;

D. whereas in the following days communal violence spread between the two communities, disproportionately involving Rakhine mobs and security forces targeting Rohingya, leaving dozens of people dead, thousands of homes destroyed and over 70 000 people internally displaced; whereas on 10 June 2012 a state of emergency was declared in six townships of Rakhine State;

E. whereas President Thein Sein had initially expressed the view that the only solution for the Rohingya was either to send them to refugee camps with UNHCR support or to resettle them in other countries;

F. whereas the Rohingya, many of whom have been settled in Rakhine State for centuries, have not been recognised as one of Burma/Myanmar's 135 national groups, and have thus been denied citizenship rights under the 1982 Citizenship Law, are perceived by many Burmese to be illegal immigrants from Bangladesh, and have been subject to systematic and severe discrimination, including restrictions in areas such as freedom of movement, marriage, education, healthcare and employment, as well as land confiscation, forced labour, arbitrary arrest and harassment by the authorities;

G. whereas in the face of persistent persecution an estimated 1 million Rohingyas have fled to neighbouring countries over the years; whereas 300 000 have fled to Bangladesh alone, in which country their long-term situation remains unresolved, while the Bangladeshi authorities have recently instructed the international humanitarian NGOs which provide basic heath and nutrition services to unregistered refugees as well as to the local population in Cox's Bazar district to suspend their activities, and are now reportedly pushing Rohingya asylum seekers back;

H. whereas the Commission's Humanitarian Aid and Civil Protection department (ECHO) has allocated EUR 10 million to support for Rohingya refugees and the local host population in Bangladesh in 2012;

I. whereas on 17 August 2012 the Burmese government appointed an independent Investigation Commission, consisting of 27 representatives of civil society and political and religious organisations, to inquire into the causes of the outbreak of sectarian violence and make suggestions;

1. Is alarmed at the continuing ethnic violence in western Burma, which has caused large numbers of deaths and injuries, destruction of property and displacement of local populations, and expresses its concern that these intercommunal clashes may put at risk the transition to democracy in Burma/Myanmar;

2. Calls on all parties to exercise restraint, and urges the Burmese authorities to stop arbitrary arrests of Rohingya, to provide information on the whereabouts of the hundreds of people detained since security operations in Rakhine State began in June 2012, and to immediately release those arbitrarily arrested;

3. Calls on the government of Burma/Myanmar, as a matter of urgency, to allow the UN agencies and humanitarian NGOs, as well as journalists and diplomats, unhindered access to all areas of Rakhine State, guarantee unrestricted access to humanitarian aid for all affected populations, and ensure that displaced Rohingya enjoy freedom of movement and are permitted to return to their place of residence once it is safe for them to do so;

4. Welcomes the creation of the independent Investigation Commission, but regrets the absence of a Rohingya representative;

5. Calls on the government of Burma/Myanmar to bring the perpetrators of the violent clashes and other related abuses in Rakhine State to justice, and to rein in the extremist groups who are instigating communal hatred, propagating threats against humanitarian and international agencies, and advocating expulsion or permanent segregation of the two communities;

6. Calls on the EEAS to support the Burmese government by all possible means in its efforts to stabilise the situation, implement programmes promoting reconciliation, design a broader socio-economic development plan for Rakhine State, and continue Burma/Myanmar's progress towards democracy;

7. Expresses its appreciation for those Burmese citizens who have raised their voice in support of the Muslim minority and a pluralist society, and calls on the political forces to take a clear stand in that sense; believes that an inclusive dialogue with local communities could be an important element in terms of attenuating the numerous ethnic problems in Burma/Myanmar;

8. Insists that the Rohingya minority cannot be left out of the newly developing openness for a multicultural Burma/Myanmar, and calls on the government to amend the 1982 citizenship law so as to bring it into line with international human rights standards and its obligations under Article 7 of the UN Convention of the Rights of the Child, with a view to granting citizens' rights to the Rohingya and other stateless minorities, as well as ensuring equal treatment for all Burmese citizens, thus ending discriminatory practices;

9. Is concerned at the arrest of 14 international aid workers during the unrest, and calls for the immediate release of the five who are still in prison;

10. Urges the Burmese government to allow the UN Special Rapporteur on human rights in the country to conduct an independent investigation into the abuses in Rakhine State; calls on the OHCHR to establish an office in Burma/Myanmar with a full protection, promotion, and technical assistance mandate, as well as sub-offices in states around the country, including Rakhine State;

11. Encourages the Burmese government to continue implementing its democratic reforms, to establish the rule of law, and to ensure respect for human rights and fundamental freedoms, in particular freedom of expression and assembly (including on the internet);

12. Urges all countries in the region to come to the aid of refugees from Burma/Myanmar and to support the Burmese government in finding equitable solutions for the underlying causes;

13. Urges Bangladesh, in particular, to continue its acceptance of present donor support and any additional support measures, and to allow the humanitarian aid organisations to continue their work in the country, especially in the light of the events in Rakhine State and the resultant additional flows of refugees in dire need of basic care;

14. Instructs its President to forward this resolution to the Governments and Parliaments of Burma/Myanmar and of Bangladesh, the EU High Representative, the Commission, the Governments and Parliaments of the Member States, the Secretary-General of ASEAN, the ASEAN Intergovernmental Commission on Human Rights, the UN Special Representative for Human Rights in Myanmar, the UN High Commissioner for Refugees, and the UN Human Rights Council.

Thursday 13 September 2012

Azerbaijan: the case of Ramil Safarov

P7_TA(2012)0356

European Parliament resolution of 13 September 2012 on Azerbaijan: the Ramil Safarov case (2012/2785(RSP))

(2013/C 353 E/21)

The European Parliament,

— having regard to its previous resolutions on the situation in Azerbaijan, in particular those concerning human rights,

— having regard to the established practice of international law regarding transfer, namely the Convention on the Transfer of Sentenced Persons, under which it was agreed that cooperation should be developed in order to further the ends of justice and the social rehabilitation of sentenced persons, by giving them the opportunity to serve their sentences within their own society,

— having regard to the statement issued by its President, Martin Schulz, on 5 September 2012 concerning the pardon granted to Ramil Safarov in Azerbaijan,

— having regard to the joint statement issued by the High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, and Commissioner Štefan Füle on 3 September 2012 concerning the release of Mr Safarov,

— having regard to the statement issued by the Secretary-General of the Council of Europe, Thorbjørn Jagland, on 4 September 2012,

— having regard to the official letter received by the Ministry of Public Administration and Justice of Hungary on 15 August 2012 from the Deputy Minister of Justice of the Republic of Azerbaijan, Vilayat Zahirov,

— having regard to its resolution of 18 April 2012 on the negotiations of the EU-Azerbaijan Association Agreement [1],

— having regard to the statement issued by the Hungarian Prime Minister, Viktor Orbán, on 3 September 2012, in which he gave an assurance that Hungary had acted in accordance with its international obligations,

— having regard to the Partnership and Cooperation Agreement between the EU and Azerbaijan, which entered into force in 1999, and to the ongoing negotiations between the two parties on a new association agreement to replace the previous one,

— having regard to Rules 122(5) and 110(4) of its Rules of Procedure,

[1] Texts adopted, P7_TA(2012)0127.

A. whereas Ramil Safarov had been jailed in a Hungarian prison since 2004 after brutally killing an Armenian colleague during a course sponsored by NATO's Partnership for Peace Programme in Budapest; whereas Mr Safarov had pleaded guilty and had expressed no remorse, defending his action on the grounds that the victim was Armenian;

B. whereas on 31 August 2012 Mr Safarov, a lieutenant of the Azerbaijani armed forces who had been convicted of murder and sentenced to life imprisonment in Hungary, was transferred to Azerbaijan at the longstanding request of the Azerbaijani authorities;

C. whereas immediately after Mr Safarov was transferred to Azerbaijan the Azerbaijani President, Ilham Aliyev, pardoned him in line with the Constitution of the Republic of Azerbaijan and Article 12 of the Convention on the Transfer of Sentenced Persons;

D. whereas Article 9 of the Convention on the Transfer of Sentenced Persons, to which Hungary and Azerbaijan are both signatory parties, states that a person sentenced in the territory of one state may be transferred to the territory of another in order to serve the sentence imposed on him or her, provided that the conditions laid down in that convention are met;

E. whereas the Deputy Minister of Justice of the Republic of Azerbaijan, Vilayat Zahirov, sent an official letter to the Ministry of Public Administration and Justice of Hungary on 15 August 2012, in which he stated that the execution of the decisions of foreign states' courts regarding the transfer of sentenced persons to serve the remaining part of their prison sentences in the Republic of Azerbaijan were carried out in accordance with Article 9(1)(a) of the convention, without any conversion of their sentences; whereas he further gave an assurance that, according to the Criminal Code of the Republic of Azerbaijan, the punishment of a convict serving a life sentence could only be replaced by a court with a term of imprisonment for a specified period, and that the convict could be released on conditional parole only after serving at least 25 years of his or her prison sentence; and whereas the Azerbaijani authorities subsequently denied having given any diplomatic assurances to the Hungarian authorities;

F. whereas Lieutenant Safarov received a glorious welcome in Azerbaijan and a few hours after his return was granted a presidential pardon, set free and promoted to the rank of major during a public ceremony;

G. whereas the decision to set Mr Safarov free triggered widespread international reactions of disapproval and condemnation;

H. whereas on 31 August 2012 the Armenian President, Serzh Sargsyan, announced that Armenia was suspending its diplomatic relations with Hungary;

I. whereas Azerbaijan participates actively in the European Neighbourhood Policy and the Eastern Partnership, is a founding member of Euronest and has committed itself to respect democracy, human rights and the rule of law, which are core values of these initiatives;

J. whereas Azerbaijan has taken up a non-permanent seat in the United Nations Security Council (UNSC) for the 2012-2013 period and committed itself to uphold the values enshrined in the UN Charter and the Universal Declaration of Human Rights;

K. whereas Azerbaijan is a member of the Council of Europe and a party to the European Convention on Human Rights (ECHR) as well as to a number of other international human rights treaties, including the International Covenant on Civil and Political Rights;

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1. Stresses the importance of the rule of law and of honouring commitments made;

2. Deplores the decision by the President of Azerbaijan to pardon Ramil Safarov, a convicted murderer sentenced by the courts of a Member State of the European Union; regards that decision as a gesture which could contribute to further escalation of the tensions between two countries, and which is exacerbating feelings of injustice and deepening the divide between those countries, and is further concerned that this act is jeopardising all peaceful reconciliation processes within the societies concerned and may undermine the possible future development of peaceful people-to-people contact in the region;

3. Considers that, while the presidential pardon granted to Mr Safarov complies with the letter of the Convention on the Transfer of Sentenced Persons, it runs contrary to the spirit of that international agreement, which was negotiated to allow the transfer of a person convicted on the territory of one state to serve the remainder of his or her sentence on the territory of another state;

4. Considers the presidential pardon granted to Mr Safarov as a violation of the diplomatic assurances given to the Hungarian authorities in Azerbaijan's request for transfer on the basis of on the Convention on the Transfer of Sentenced Persons;

5. Deplores the hero's welcome accorded to Mr Safarov in Azerbaijan and the decision to promote him to the rank of major and pay him eight years' back salary upon his arrival, and is concerned about the example this sets for future generations and about the promotion and recognition he has received from the Azerbaijani state;

6. Takes the view that the frustration in Azerbaijan and Armenia over the lack of any substantial progress as regards the peace process in Nagorno-Karabakh does not justify either acts of revenge or futile provocations that add further tension to an already tense and fragile situation;

7. Expresses its support for the ongoing efforts of the European External Action Service (EEAS), the EU Special Representative for the South Caucasus and the Member States to defuse tensions and ensure that progress is made towards peace in the region;

8. Supports the Co-Chairs of the OSCE Minsk Group in their efforts to secure substantial progress in the peace process in Nagorno-Karabakh with a view to finding a lasting, comprehensive settlement in accordance with international law;

9. Insists that the EU should play a stronger role in the settlement of the conflict in Nagorno-Karabakh by supporting the implementation of confidence-building measures which will bring together Armenian and Azerbaijani communities and spread ideas of peace, reconciliation and trust on all sides;

10. Reiterates its position that the association agreement currently being negotiated between the EU and Azerbaijan should include clauses and benchmarks relating to the protection and promotion of human rights and the rule of law;

11. Condemns all forms of terrorism and the use of threats of terrorism;

12. Instructs its President to forward this resolution to the EEAS, the European Council, the Commission, the respective governments and parliaments of the Republic of Azerbaijan and the Republic of Armenia, the Council of Europe, the OSCE and the UN Special Rapporteur on human rights and counter-terrorism.

Thursday 13 September 2012

Tackling multiple sclerosis in Europe

P7_TA(2012)0357

Declaration of the European Parliament of 13 September 2012 on tackling multiple sclerosis in Europe

(2013/C 353 E/22)

The European Parliament,

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

A. whereas approximately 600 000 Europeans suffer from multiple sclerosis (MS), which is the most common neurodegenerative disorder and is a major cause of non-traumatic disability in young adults;

B. whereas most people with MS are diagnosed in the prime of their working lives, and almost half leave the workforce within three years of diagnosis;

C. whereas in Europe tremendous discrepancies in access to disease-modifying treatments and quality of care exist, and have worsened in recent months;

1. Calls on the Commission and Council to:

— encourage, within the framework of Horizon 2020, closer scientific collaboration and comparative research on MS;

— promote, in their Reflection Process on Chronic Disease, equal access to treatment and flexible employment policies for people with chronic neurological disorders such as MS;

2. Calls on the Member States to:

— enhance equal access to quality care, for example. by using certified educational training tools (such as 'MS Nurse Professional') to develop, standardise and benchmark specialist nursing staff training;

— support the European Register for MS by encouraging patient data collection at national level;

3. Instructs its President to forward this declaration, together with the names of the signatories [1], to the Council, the Commission and the Parliaments of the Member States.

[1] The list of signatories is published in Annex 1 to the Minutes of 13 September 2012 (P7_PV(2012)09-13(ANN1)).

Tuesday 11 September 2012

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN PARLIAMENT

Waiver of the parliamentary immunity of Jaroslaw Leszek Walesa

P7_TA(2012)0307

European Parliament decision of 11 September 2012 on the request for waiver of the immunity of Jarosław Leszek Wałęsa (2012/2112(IMM))

(2013/C 353 E/23)

The European Parliament,

— having regard to the request for waiver of the immunity of Jarosław Leszek Wałęsa, forwarded on 20 April 2012 by the Public Prosecutor of the Polish Republic in connection with legal action concerning an alleged offence and announced in plenary on 23 May 2012,

— having given Jarosław Leszek Wałęsa the opportunity to be heard in accordance with Rule 7(3) of its Rules of Procedure,

— having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities 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 [1],

— having regard to Article 105 of the Constitution of the Republic of Poland, and Articles 7b(1) and 7c, in conjunction with Article 10b, of the Polish Act of 9 May 1996 on the performance of the mandate of deputy or senator,

— having regard to Rules 6(2) and 7 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A7-0230/2012),

[1] 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).

A. whereas the Public Prosecutor of the Polish Republic has requested the waiver of the parliamentary immunity of a Member of the European Parliament, Jarosław Leszek Wałęsa, in connection with legal action concerning an alleged offence;

B. whereas the request by the Public Prosecutor relates to proceedings concerning an alleged offence under the Polish Act of 20 May 1971 establishing a Code of Offences and the Road Traffic Act of 20 June 1997 in relation to a traffic accident on 2 September 2011 in Poland in which Jarosław Leszek Wałęsa was involved and in which he was severely injured;

C. whereas, according to Article 9 of the Protocol on the Privileges and Immunities of the European Union, Members shall enjoy, in the territory of their own State, the immunities accorded to members of their Parliament;

D. whereas Jarosław Leszek Wałęsa declined to be heard by the Committee on Legal Affairs, but has indicated that he prefers a quick conclusion of this issue and is of the opinion that his immunity should be waived;

E. whereas whether immunity is or is not to be waived in a given case is for Parliament alone to decide; whereas Parliament may reasonably take account of the Member's position in reaching its decision to waive or not to waive his immunity ([1]);

F. whereas the facts of the case, as manifested in the submissions to the Committee on Legal Affairs, indicate that the alleged activities do not have a direct, obvious connection with Jarosław Leszek Wałęsa's performance of his duties as a Member of the European Parliament;

G. whereas Jarosław Leszek Wałęsa was therefore not acting in the performance of his duties as a Member of the European Parliament;

1. Decides to waive the immunity of Jarosław Leszek Wałęsa;

2. Instructs its President to forward this decision and the report of its competent committee immediately to the competent authority of Poland and to Jarosław Leszek Wałęsa.

([1]) Case T-345/05 *Mote v Parliament* [2008] ECR II-2849, para. 28.

Waiver of the parliamentary immunity of Birgit Collin-Langen

P7_TA(2012)0308

European Parliament decision of 11 September 2012 on the request for waiver of the immunity of Birgit Collin-Langen (2012/2128(IMM))

(2013/C 353 E/24)

The European Parliament,

— having regard to the request for waiver of the immunity of Birgit Collin-Langen, forwarded on 27 April 2012 by the Senior Prosecutor in Koblenz (Germany), in connection with legal action concerning an alleged offence and announced in plenary on 14 June 2012,

— having heard Birgit Collin-Langen in accordance with Rule 7(3) of its Rules of Procedure,

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— having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities 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 ([1]),

— having regard to Article 46 of the German Basic Law (*Grundgesetz*),

— having regard to Rules 6(2) and 7 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A7-0229/2012),

A. whereas the Senior Prosecutor has requested the waiver of the parliamentary immunity of a Member of the European Parliament, Birgit Collin-Langen, in connection with legal action concerning an alleged offence;

B. whereas the request by the Senior Prosecutor relates to proceedings concerning an alleged offence under Section 331 of the German Criminal Code which states that "A public official or a person entrusted with special public service functions who demands, allows himself to be promised or accepts a benefit for himself or for a third person for the discharge of an official duty shall be liable to imprisonment not exceeding three years or a fine";

C. whereas, according to Article 9 of the Protocol on the Privileges and Immunities of the European Union, Members shall enjoy, in the territory of their own State, the immunities accorded to members of their Parliament;

D. whereas, under Article 46(2) of the German Basic Law (*Grundgesetz*), a Member may not be called to account for a punishable offence without the permission of Parliament unless apprehended while committing the offence or in the course of the following day;

E. whereas, consequently, Parliament must thus waive the parliamentary immunity of Birgit Collin-Langen if the proceedings against her are to go ahead;

F. whereas Birgit Collin-Langen has been heard by the Committee on Legal Affairs, where she asked for a quick conclusion of this issue and declared that her immunity should be waived;

G. whereas whether immunity is or is not to be waived in a given case is for Parliament alone to decide; whereas Parliament may reasonably take account of the Member's position in reaching its decision to waive or not to waive his/her immunity ([2]);

H. whereas Birgit Collin-Langen has been a Member of the European Parliament since 17 March 2012;

([1]) 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).

([2]) Case T-345/05 *Mote v Parliament* [2008] ECR II-2849, para. 28.

I. whereas the facts of the case date back to 2006-2008 and, as shown by the submissions to the Committee on Legal Affairs, the alleged activities do not have a direct, obvious connection with Birgit Collin-Langen's performance of her duties as a Member of the European Parliament;

J. whereas Birgit Collin-Langen was therefore not acting in the performance of her duties as a Member of the European Parliament;

K. whereas the facts set out in the explanatory statement do not constitute a case of *fumus persecutionis*;

1. Decides to waive the immunity of Birgit Collin-Langen;

2. Instructs its President to forward this decision and the report of its competent committee immediately to the appropriate authorities of the Federal Republic of Germany and to Birgit Collin-Langen.

Thursday 13 September 2012

Forwarding to and handling by the European Parliament of classified information held by the Council on matters other than those in the area of the common foreign and security policy

P7_TA(2012)0339

European Parliament decision of 13 September 2012 on the conclusion of an interinstitutional agreement between the European Parliament and the Council concerning the forwarding to and handling by the European Parliament of classified information held by the Council on matters other than those in the area of the common foreign and security policy (2012/2069(ACI))

(2013/C 353 E/25)

The European Parliament,

— having regard to the letter from its President of 10 April 2012,

— having regard to the draft interinstitutional agreement between the European Parliament and the Council concerning the forwarding to and handling by the European Parliament of classified information held by the Council on matters other than those in the area of the common foreign and security policy,

— having regard to the second paragraph of Article 1, Articles 2, 6, 10 and 11 of the Treaty on European Union (TEU) and Articles 15 and 295 of the Treaty on the Functioning of the European Union (TFEU),

— having regard to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents [1] and in particular Articles 2(5) and 9 thereof,

— having regard to its resolution of 14 September 2011 on public access to documents (Rule 104(7)) for the years 2009-2010 [2] and in particular paragraph 12 thereof,

— having regard to Rule 23(12) and Rule 127(1) of, and Annex VIII to, its Rules of Procedure,

— having regard to the report of the Committee on Constitutional Affairs (A7-0245/2012),

A. whereas transparency and access to all relevant documents and information form the basis of, and are a compulsory precondition for, democracy and, in particular, enable the European Parliament to do its work for the people as provided for in the Treaties,

B. whereas the Lisbon Treaty reinforces the requirements of transparency and the rights of citizens to participate in the decision-making of the Union; whereas limits on the right of Parliament and its Members to share relevant information with the public must constitute clearly framed and justified exceptions,

C. whereas the principle of sincere cooperation between the European institutions is enshrined in the Treaties, specifically in Article 13(2) TEU,

D. whereas Article 14(1) TEU states that the European Parliament shall, jointly with the Council, exercise legislative and budgetary functions and that it shall exercise functions of political control and consultation as laid down in the Treaties, and whereas, in order to exercise effectively the functions assigned to it by the Treaty, Parliament must have access to relevant Council documents,

[1] OJ L 145, 31.5.2001, p. 43.
[2] Texts adopted, P7_TA(2011)0378.

E. whereas the Treaties provide that the Council must consult Parliament and obtain its consent before certain legal acts can be adopted,

F whereas Article 218(10) TFEU requires that Parliament be immediately and fully informed at all stages of the procedure relating to international agreements,

G. whereas rules on classification and declassification of Union documents should be laid down by means of regulations adopted by the European Parliament and the Council on the basis of Article 15(3) TFEU ([1]),

H. whereas the Framework Agreement on relations between the European Parliament and the European Commission ([2]) already lays down the rules concerning the forwarding of confidential information from the Commission to Parliament,

I. whereas the decision of the Bureau of the European Parliament of 6 June 2011 ([3]) lays down the rules governing the treatment of confidential information by the European Parliament,

J. whereas the Conference of Presidents nominated a negotiating team to conduct talks with the Council of Ministers on three specific issues: the inclusion of correlation tables in Union directives, rules on Parliament's participation in international conferences and access to classified documents held by the Council; whereas the issues of correlation tables and of Parliament's participation in international conferences have meanwhile been settled ([4]),

1. Considers the agreement concerning the forwarding to and handling by Parliament of classified information held by the Council on matters other than those in the area of the common foreign and security policy ('the agreement') to be an indispensable instrument enabling Parliament to fully exercise its powers and functions; points out that the agreement is without prejudice to the regulations on access to documents adopted in accordance with Article 15(3) TFEU;

2. Points out that, while the scope of the agreement concerns classified information on matters other than those in the area of the common foreign and security policy, international agreements under Article 218(6) TFEU which do not relate exclusively to the common foreign and security policy ("mixed" agreements) are covered by the agreement, including any part thereof that falls under the common foreign and security policy; underlines, moreover, that access by Parliament to any classified information which relates exclusively to the common foreign and security policy will continue to be governed by arrangements under an ad hoc Council decision or under the Interinstitutional Agreement of 20 November 2002 concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy ([5]) ('the 2002 Interinstitutional Agreement') until other arrangements are agreed;

([1]) See also in this context Parliament's position of 15 December 2011 on the proposal for a regulation of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (recast) (P7_TA(2011)0580) and its above-mentioned resolution of 14 September 2011 on public access to documents (Rule 104(7)) for the years 2009-2010.

([2]) OJ L 304, 20.11.2010, p. 47.

([3]) OJ C 190, 30.6.2011, p. 2.

([4]) For correlation tables, see the Joint Political Declaration of the European Parliament, the Council and the Commission on explanatory documents annexed to Parliament's legislative resolution of 27 October 2011 on the proposal for a directive of the European Parliament and of the Council on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted (recast) (P7_TA(2011)0469); as regards Parliament's participation, the matter was concluded by way of an exchange of letters.

([5]) OJ C 298, 30.11.2002, p. 1.

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3. Draws attention in that context to the statement by the European Parliament and the Council attached to the agreement, which states that a review of the 2002 Interinstitutional Agreement should begin in the course of 2012 and should take account of the experience gained in implementing both the agreement and the 2002 Interinstitutional Agreement;

4. Deplores the fact that the 2002 Interinstitutional Agreement did not set out more clear-cut arrangements on access to classified information concerning the common foreign and security policy than the adoption of ad hoc decisions; stresses, therefore, that it is of the utmost importance that Parliament and the Council begin negotiations with a view to amending the 2002 Interinstitutional Agreement to reflect both the reforms carried out since it was concluded and the current situation;

5. Welcomes the statement attached to the agreement concerning the classification of documents; regrets however that, unlike the Framework Agreement between the Commission and Parliament, the agreement does not lay down a detailed procedure to be followed in cases of doubt regarding the confidential nature of an item of information or its appropriate level of classification;

6. Welcomes, in particular, the following aspects contained in the agreement:

— a differentiation in the handling and storage of documents depending on the level of classification;

— a differentiation in procedures as regards security clearance for Members and staff depending on the level of classification, whereby no security clearance will be necessary for Members in respect of documents beneath the level of 'CONFIDENTIEL UE/EU CONFIDENTIAL' or equivalent, as is the case in the abovementioned Framework Agreement between Parliament and the Commission;

— the inclusion of documents classified at the level of 'TRÈS SECRET UE/EU TOP SECRET' or equivalent within the scope of the agreement, as is the case in the abovementioned Framework Agreement between Parliament and the Commission;

— the fact that access to documents, as appropriate, may be granted also to rapporteurs, shadow rapporteurs, or all or certain members of the committee(s) concerned;

— provisions on close cooperation between Parliament and the Council to ensure equivalent levels of protection for classified documents;

7. Invites the Bureau, in accordance with Rule 23(12) of Parliament's Rules of Procedure, to adapt its abovementioned decision of 6 June 2011 to take account of the agreement;

8. Approves conclusion of the agreement in the form annexed hereto and decides to annex it to its Rules of Procedure;

9. Instructs its President to sign the agreement with the President of the Council;

10. Instructs its President to forward this decision, including its annex, to the Council and the Commission, for information.

ANNEX

INTERINSTITUTIONAL AGREEMENT

between the European Parliament and the Council concerning the forwarding to and handling by the European Parliament of classified information held by the Council on matters other than those in the area of the common Foreign and Security Policy

THE EUROPEAN PARLIAMENT AND THE COUNCIL,

Whereas:

(1) Article 14(1) of the Treaty on European Union (TEU) provides that the European Parliament jointly with the Council, is to exercise legislative and budgetary functions and that it is to exercise functions of political control and consultation as laid down in the Treaties.

(2) Article 13(2) TEU provides that each institution is to act within the limits of the powers conferred on it in the Treaties, and in conformity with the procedures, conditions and objectives set out in them. That provision also stipulates that the institutions are to practice mutual sincere cooperation. Article 295 of the Treaty on the Functioning of the European Union (TFEU) provides that the European Parliament and the Council, inter alia, are to make arrangements for their cooperation and that, to that end, they may, in compliance with the Treaties, conclude interinstitutional agreements which may be of a binding nature.

(3) The Treaties and, as appropriate, other relevant provisions provide that either in the context of a special legislative procedure or under other decision-making procedures, the Council is to consult or obtain the consent of the European Parliament before adopting a legal act. The Treaties also provide that, in certain cases, the European Parliament is to be informed about the progress or the results of a given procedure or be involved in the evaluation or the scrutiny of certain Union agencies.

(4) In particular, Article 218(6) TFEU provides that, except where an international agreement relates exclusively to the common foreign and security policy, the Council is to adopt the decision concluding the agreement in question after obtaining the consent of or consulting the European Parliament; all such international agreements which do not relate exclusively to the common foreign and security policy are therefore covered by this Interinstitutional Agreement.

(5) Article 218(10) of the TFEU provides that the European Parliament is to be immediately and fully informed at all stages of the procedure; that provision also applies to agreements relating to the common foreign and security policy.

(6) In cases where implementation of the Treaties and, as appropriate, other relevant provisions would require access by the European Parliament to classified information held by the Council, appropriate arrangements governing such access should be agreed upon between the European Parliament and the Council.

(7) Where the Council decides to grant the European Parliament access to classified information held by the Council in the area of the common foreign and security policy, it either takes ad hoc decisions to that effect or uses the Interinstitutional Agreement of 20 November 2002 between the European Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy [1] (hereinafter "the Interinstitutional Agreement of 20 November 2002"), as appropriate.

[1] OJ C 298, 30.11.2002, p. 1.

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(8) The Declaration by the High Representative on political accountability [1], made upon the adoption of Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service [2], states that the High Representative will review and where necessary propose to adjust the existing provisions on access for Members of the European Parliament to classified documents and information in the field of security and defence policy (i.e. the Inter-institutional Agreement of 20 November 2002).

(9) It is important that the European Parliament be associated with the principles, standards and rules for protecting classified information which are necessary in order to protect the interests of the European Union and of the Member States. Moreover, the European Parliament will be in a position to provide classified information to the Council.

(10) On 31 March 2011 the Council adopted Decision 2011/292/EU on the security rules for protecting EU classified information [3] (hereinafter "the Council's security rules").

(11) On 6 June 2011, the Bureau of the European Parliament adopted a Decision concerning the rules governing the treatment of confidential information by the European Parliament [4] (hereinafter "the European Parliament's security rules").

(12) The security rules of Union institutions, bodies, offices or agencies should together constitute a comprehensive and coherent general framework within the European Union for protecting classified information, and should ensure equivalence of basic principles and minimum standards. The basic principles and minimum standards laid down in the European Parliament's security rules and in the Council's security rules should accordingly be equivalent.

(13) The level of protection afforded to classified information under the European Parliament's security rules should be equivalent to that afforded to classified information under the Council's security rules.

(14) The relevant services of the European Parliament's Secretariat and of the General Secretariat of the Council will cooperate closely to ensure that equivalent levels of protection are applied to classified information in both institutions.

(15) This Agreement is without prejudice to existing and future rules on access to documents adopted in accordance with Article 15(3) TFEU; rules on the protection of personal data adopted in accordance with Article 16(2) TFEU; rules on the European Parliament's right of inquiry adopted in accordance with third paragraph of Article 226 TFEU; and relevant provisions relating to the European Anti-Fraud Office (OLAF),

HAVE AGREED AS FOLLOWS:

Article 1

Purpose and scope

This Agreement sets out arrangements governing the forwarding to and handling by the European Parliament of classified information held by the Council, on matters other than those in the area of the common foreign and security policy, which is relevant in order for the European Parliament to exercise its powers and functions. It concerns all such matters, namely:

[1] OJ C 210, 3.8.2010, p. 1.
[2] OJ L 201, 3.8.2010, p. 30.
[3] OJ L 141, 27.5.2011, p. 17.
[4] OJ C 190, 30.6.2011, p. 2.

(a) proposals subject to a special legislative procedure or to another decision-making procedure under which the European Parliament is to be consulted or is required to give its consent;

(b) international agreements on which the European Parliament is to be consulted or is required to give its consent pursuant to Article 218(6) TFEU;

(c) negotiating directives for international agreements referred to in point (b);

(d) activities, evaluation reports or other documents on which the European Parliament is to be informed; and

(e) documents on the activities of those Union agencies in the evaluation or scrutiny of which the European Parliament is to be involved.

Article 2

Definition of "classified information"

For the purposes of this Agreement, "classified information" shall mean any or all of the following:

(a) "EU classified information" (EUCI) as defined in the European Parliament's security rules and in the Council's security rules and bearing one of the following security classification markings:

— RESTREINT UE/EU RESTRICTED;

— CONFIDENTIEL UE/EU CONFIDENTIAL;

— SECRET UE/EU SECRET;

— TRÈS SECRET UE/EU TOP SECRET;

(b) classified information provided to the Council by Member States and bearing a national security classification marking equivalent to one of the security classification markings used for EUCI listed in point (a);

(c) classified information provided to the European Union by third States or international organisations which bears a security classification marking equivalent to one of the security classification markings used for EUCI listed in point (a), as provided for in the relevant security of information agreements or administrative arrangements.

Article 3

Protection of classified information

1. The European Parliament shall protect, in accordance with its security rules and with this Agreement, any classified information provided to it by the Council.

2. As equivalence is to be maintained between the basic principles and minimum standards for protecting classified information laid down by the European Parliament and by the Council in their respective security rules, the European Parliament shall ensure that the security measures in place in its premises afford a level of protection to classified information equivalent to that afforded to such information on Council premises. The relevant services of the European Parliament and the Council shall cooperate closely to that effect.

3. The European Parliament shall take the appropriate measures to ensure that classified information provided to it by the Council shall not:

(a) be used for purposes other than those for which access was provided;

(b) be disclosed to persons other than those to whom access has been granted in accordance with Articles 4 and 5, or made public;

(c) be released to other Union institutions, bodies, offices or agencies, or to Member States, third States or international organisations without the prior written consent of the Council.

4. The Council may grant the European Parliament access to classified information which originates in other Union institutions, bodies, offices or agencies, or in Member States, third States or international organisations only with the prior written consent of the originator.

Article 4

Personnel security

1. Access to classified information shall be granted to Members of the European Parliament in accordance with Article 5(4).

2. Where the information concerned is classified at the level CONFIDENTIEL UE/EU CONFIDENTIAL, SECRET UE/EU SECRET or TRÈS SECRET UE/EU TOP SECRET or its equivalent, access may be granted only to Members of the European Parliament authorised by the President of the European Parliament:

(a) who have been security-cleared in accordance with the European Parliament's security rules; or

(b) for whom notification has been made by a competent national authority that they are duly authorised by virtue of their functions in accordance with national laws and regulations.

Notwithstanding the first subparagraph, where the information concerned is classified at the level CONFIDENTIEL UE/EU CONFIDENTIAL or its equivalent, access may also be granted to those Members of the European Parliament determined in accordance with Article 5(4) who have signed a solemn declaration of non-disclosure in accordance with the European Parliament's security rules. The Council shall be informed of the names of the Members of the European Parliament granted access under this subparagraph.

3. Before being granted access to classified information, Members of the European Parliament shall be briefed on and acknowledge their responsibilities to protect such information in accordance with the European Parliament's security rules, and briefed on the means of ensuring such protection.

4. Access to classified information shall be granted only to those officials of the European Parliament and other Parliament employees working for political groups who:

(a) have been designated in advance as having a need-to-know by the relevant parliamentary body or office-holder determined in accordance with Article 5(4);

(b) have been security-cleared to the appropriate level in accordance with the European Parliament's security rules where the information is classified at the level CONFIDENTIEL UE/EU CONFIDENTIAL, SECRET UE/EU SECRET or TRÈS SECRET UE/EU TOP SECRET or its equivalent; and

(c) have been briefed and received written instructions on their responsibilities for protecting such information as well as on the means of ensuring such protection, and have signed a declaration acknowledging receipt of those instructions and undertaking to comply with them in accordance with the European Parliament's security rules.

Article 5

Procedure for accessing classified information

1. The Council shall provide classified information as referred to in Article 1 to the European Parliament where it is under a legal obligation to do so pursuant to the Treaties or to legal acts adopted on the basis of the Treaties. The parliamentary bodies or office-holders referred to in paragraph 3 may also present a written request for such information.

2. In other cases, the Council may provide classified information as referred to in Article 1 to the European Parliament either at its own initiative or on written request from one of the parliamentary bodies or office-holders referred to in paragraph 3.

3. The following parliamentary bodies or office-holders may present written requests to the Council:

(a) the President;

(b) the Conference of Presidents;

(c) the Bureau;

(d) the chair(s) of the committee(s) concerned;

(e) the rapporteur(s) concerned.

Requests from other Members of the European Parliament shall be made via one of the parliamentary bodies or office-holders referred to in the first subparagraph.

The Council shall respond to such requests without delay.

4. Where the Council is under a legal obligation to, or has decided to, grant the European Parliament access to classified information, it shall determine the following in writing before that information is forwarded, together with the relevant body or office-holder as listed in paragraph 3:

(a) that such access may be granted to one or more of the following:

(i) the President;

(ii) the Conference of Presidents;

(iii) the Bureau;

(iv) the chair(s) of the committee(s) concerned;

(v) the rapporteur(s) concerned;

(vi) all or certain members of the committee(s) concerned; and

(b) any specific handling arrangements for protecting such information.

Article 6

Registration, storage, consultation and discussion of classified information in the European Parliament

1. Classified information provided by the Council to the European Parliament, where it is classified at the level CONFIDENTIEL UE/EU CONFIDENTIAL, SECRET UE/EU SECRET or TRÈS SECRET UE/EU TOP SECRET or its equivalent:

(a) shall be registered for security purposes to record its life-cycle and ensure its traceability at all times;

(b) shall be stored in a secure area which meets the minimum standards of physical security laid down in the Council's security rules and the European Parliament's security rules, which shall be equivalent; and

(c) may be consulted by the relevant Members of the European Parliament, officials of the European Parliament and other Parliament employees working for political groups referred to in Article 4(4) and Article 5(4) only in a secure reading room within the European Parliament's premises. In this case, the following conditions shall apply:

(i) the information shall not be copied by any means, such as photocopying or photographing;

(ii) no notes shall be taken; and

(iii) no electronic communication devices may be taken into the room.

2. Classified information provided by the Council to the European Parliament, where it is classified at the level RESTREINT UE/EU RESTRICTED or its equivalent, shall be handled and stored in accordance with the European Parliament's security rules which shall afford a level of protection for such classified information equivalent to that of the Council.

Notwithstanding the first subparagraph, for a period of 12 months following the entry into force of this Agreement, information classified at the level RESTREINT UE/EU RESTRICTED or its equivalent shall be handled and stored in accordance with paragraph 1. Access to such classified information shall be governed by points (a) and (c) of Article 4(4) and by Article 5(4).

3. Classified information may be handled only on communication and information systems which have been duly accredited or approved in accordance with standards equivalent to those laid down in the Council's security rules.

4. Classified information provided orally to recipients in the European Parliament shall be subject to the equivalent level of protection as that afforded to classified information in written form.

5. Notwithstanding point (c) of paragraph 1 of this Article, information classified up to the level of CONFIDENTIEL UE/EU CONFIDENTIAL or its equivalent provided by the Council to the European Parliament may be discussed at meetings held in camera and attended only by Members of the European Parliament and those officials of the European Parliament and other Parliament employees working for political groups who have been granted access to the information in accordance with Article 4(4) and Article 5(4). The following conditions shall apply:

— documents shall be distributed at the beginning of the meeting and collected again at the end;

— documents shall not be copied by any means, such as photocopying or photographing;

— no notes shall be taken;

— no electronic communication devices may be taken into the room; and

— the minutes of the meeting shall make no mention of the discussion of the item containing classified information.

6. Where meetings are necessary to discuss information classified at the level SECRET UE/EU SECRET or TRÈS SECRET UE/EU TOP SECRET or its equivalent, specific arrangements shall be agreed on a case-by-case basis between the European Parliament and the Council.

Article 7

Breach of security, loss or compromise of classified information

1. In the case of a proven or suspected loss or compromise of classified information provided by the Council, the Secretary-General of the European Parliament shall immediately inform the Secretary-General of the Council thereof. The Secretary-General of the European Parliament shall conduct an investigation and shall inform the Secretary-General of the Council of the results of the investigation and of measures taken to prevent a recurrence. Where a Member of the European Parliament is concerned, the President of the European Parliament shall act together with the Secretary-General of the European Parliament.

2. Any Member of the European Parliament who is responsible for a breach of the provisions laid down in the European Parliament's security rules or in this Agreement may be liable to measures and penalties in accordance with Rules 9(2) and 152 to 154 of the European Parliament's Rules of Procedure.

3. Any official of the European Parliament or other Parliament employee working for a political group who is responsible for a breach of the provisions laid down in the European Parliament's security rules or in this Agreement may be liable to the penalties set out in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union, laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 ([1]).

4. Persons responsible for losing or compromising classified information may be liable to disciplinary and/or legal action in accordance with the applicable laws, rules and regulations.

([1]) OJ L 56, 4.3.1968, p. 1.

Article 8

Final provisions

1. The European Parliament and the Council, each for its own part, shall take all necessary measures to ensure implementation of this Agreement. They shall cooperate to that effect, in particular by organising visits to monitor the implementation of the security-technical aspects of this Agreement.

2. The relevant services of the European Parliament's Secretariat and of the General Secretariat of the Council shall consult each other before either institution modifies its respective security rules, in order to ensure that equivalence of basic principles and minimum standards for protecting classified information is maintained.

3. Classified information shall be provided to the European Parliament under this Agreement once the Council, together with the European Parliament, has determined that equivalence has been achieved between the basic principles and minimum standards for protecting classified information in the European Parliament's and in the Council's security rules, on the one hand, and between the level of protection afforded to classified information in the premises of the European Parliament and of the Council, on the other.

4. This Agreement may be reviewed at the request of either institution in the light of experience in implementing it.

5. This Agreement shall enter into force on the date of its publication in the *Official Journal of the European Union*.

Done at … on …

For the European Parliament
The President

For the Council
The President

STATEMENTS

(a) Statement by the European Parliament and the Council on Article 8(3)

The European Parliament and the Council will cooperate so that the determination referred to in Article 8(3) of the Interinstitutional Agreement of … (*) between the European Parliament and the Council concerning the forwarding to and handling by the European Parliament of classified information held by the Council on matters other than those in the area of the common foreign and security policy can be made by the date of entry into force of that Agreement.

(b) Statement by the European Parliament and the Council on the classification of documents

The European Parliament and the Council recall that the underclassification or overclassification of documents undermines the credibility of security rules.

The Council will continue to ensure that the correct level of classification is applied to information originating within the Council in accordance with its security rules. The Council will review the level of classification of any document before forwarding it to the European Parliament, in particular to verify whether such level of classification is still appropriate.

(*) Date of signature of the Interinstitutional Agreement.

The European Parliament will protect any classified information provided to it in a manner commensurate with its level of classification. In the event of it requesting whether a classified document provided by the Council may be downgraded or declassified, such downgrading or declassification may occur only with the prior written consent of the Council.

(c) Statement by the European Parliament and the Council on access to classified information in the area of the common foreign and security policy

Recalling the Declaration by the High Representative on political accountability [1], the European Parliament and the Council consider that a review of the Interinstitutional Agreement of 20 November 2002 between the European Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy [2] should begin in the course of 2012.

This review will be undertaken respecting the specific role of the European Parliament in the area of the common foreign and security policy and taking account of experience gained in implementing both the Interinstitutional Agreement of … (*) between the European Parliament and the Council concerning the forwarding to and handling by the European Parliament of classified information held by the Council on matters other than those in the area of the common foreign and security policy and the above-mentioned Interinstitutional Agreement of 20 November 2002.

Pending completion of this review, where the Council decides to grant the European Parliament access to classified information held by the Council in the area of the common foreign and security policy, it proceeds as described in recital 7 of the Interinstitutional Agreement of … (*) between the European Parliament and the Council concerning the forwarding to and handling by the European Parliament of classified information held by the Council on matters other than those in the area of the common foreign and security policy and in accordance with paragraph 2 of the Declaration by the High Representative referred to above.

The European Parliament and the Council agree that the implementation of this statement will take duly into account the specific nature and the especially sensitive content of information in the area of the common foreign and security policy.

(d) Statement by the Council on unclassified Council documents

The Council confirms that the Interinstitutional Agreement of … (*) between the European Parliament and the Council concerning the forwarding to and handling by the European Parliament of classified information held by the Council on matters other than those in the area of the common foreign and security policy does not apply to unclassified documents internal to the Council (i.e. those marked "LIMITÉ").

(e) Statement by the European Parliament on classified information held by the Commission

The European Parliament underlines that classified information of which the European Commission is the originator and/or which is forwarded to the European Parliament by the European Commission shall be forwarded and handled in accordance with the provisions set out in the Framework Agreement of 20 October 2010 on relations between the European Parliament and the European Commission [3].

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[1] OJ C 210, 3.8.2010, p. 1.
[2] OJ C 298, 30.11.2002, p. 1.
(*) Date of signature of the Interinstitutional Agreement.
[3] OJ L 304, 20.11.2010, p. 47.

Tuesday 11 September 2012

III

(Preparatory acts)

EUROPEAN PARLIAMENT

Mobilisation of the European Globalisation Adjustment Fund: Application EGF/2011/008 DK/Odense Steel Shipyard, Denmark

P7_TA(2012)0304

European Parliament resolution of 11 September 2012 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2011/008 DK/Odense Steel Shipyard from Denmark) (COM(2012)0272 – C7-0131/2012 – 2012/2110(BUD))

(2013/C 353 E/26)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2012)0272 – C7-0131/2012),

— having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management [1] (IIA of 17 May 2006), and in particular point 28 thereof,

— having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund [2] (EGF Regulation),

— having regard to the trilogue procedure provided for in point 28 of the IIA of 17 May 2006,

— having regard to the letter of the Committee on Employment and Social Affairs,

— having regard to the report of the Committee on Budgets (A7-0232/2012),

A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who are suffering from the consequences of major structural changes in world trade patterns and to assist their reintegration into the labour market;

[1] OJ C 139, 14.6.2006, p. 1.
[2] OJ L 406, 30.12.2006, p. 1.

B. whereas the scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis;

C. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard for the IIA of 17 May 2006 in respect of the adoption of decisions to mobilise the EGF;

D. whereas Denmark has requested assistance for 981 redundancies, of which 550 are targeted for assistance, in the Odense Steel Shipyard primary enterprise and in four suppliers and downstream producers in Denmark, within a four-month reference period;

E. whereas the application fulfils the eligibility criteria laid down by the EGF Regulation;

1. Agrees with the Commission that the conditions set out in Article 2(a) of the EGF Regulation are met and that, therefore, Denmark is entitled to a financial contribution under that Regulation;

2. Notes that the Danish authorities submitted the application for EGF financial contribution on 28 October 2011 and that its assessment was made available by the Commission on 6 June 2012; urges the Commission to speed up the evaluation process, in particular in case of applications targeting sectors where EGF has already been deployed on several occasions;

3. Notes that the direct losses at Odense Steel Shipyard covered by the two EGF applications (this one and EGF/2010/025 DK/Odense Steel Shipyard [1]) amount to around 2 % of the local workforce, and, together with indirect job losses, the shipyard closure is regarded as a major crisis in the regional economy;

4. Notes that the Danish authorities have indicated that, in their assessment, only 550 of 981 workers dismissed would choose to participate in the measures, while others would either decide to retire or would find new employment themselves; calls on the Danish authorities to use the EGF support to its full potential;

5. Notes that the shipbuilding workforce in Europe, in accordance with the Community of European Shipyards' Associations (CESA) annual report for 2010-2011 [2], has declined by 23 % over the past three years, from 148 792 workers in 2007 to 114 491 workers in 2010; and that EGF assistance has already been mobilised in three cases in the shipbuilding sector over the past three years (EGF/2010/001 DK/Nordjylland [3], EGF/2010/006 PL/H. Cegielski-Poznan [4] and EGF/2010/025 DK/Odense Steel Shipyard);

6. Welcomes the fact that the municipalities of Odense and Kerteminde, which are heavily affected by the dismissals in the Odense Steel Shipyard, were closely involved in the application, which is a part of a strategy for new growth opportunities in the region formulated by a consortium of local, regional and national stakeholders following the announcement of the closure of the shipyard in 2009;

[1] OJ L 195, 27.7.2011, p. 52.
[2] http://www.cesa.eu/presentation/publication/CESA_AR_2010_2011/pdf/CESA%20AR%202010-2011.pdf
[3] OJ L 286, 4.11.2010, p. 18.
[4] OJ L 342, 28.12.2010, p. 19.

7. Welcomes the fact that, in order to provide workers with speedy assistance, the Danish authorities decided to start the implementation of the measures ahead of the final decision on granting the EGF support for the proposed coordinated package;

8. Notes that the Danish authorities propose a relatively expensive coordinated package of personalised services (EUR 11 737 of EGF support per worker); welcomes, however, the fact that the package consists of measures that are additional and innovative compared to those offered regularly by the employment agencies and which are adapted to assist highly skilled workers in a difficult employment market;

9. Recalls the importance of improving the employability of all workers by means of tailored training and recognition of skills and competences gained throughout the professional career; expects the training on offer in the coordinated package to be tailored not only to the needs of the dismissed workers but also of the actual business environment;

10. Notes that the target group of workers is already highly skilled, but in a field in which the outlook for future employment looks bleak; therefore, the measures proposed for them will be more costly than would be the case for other workers in mass layoffs, which often concern people with relatively low skills;

11. Welcomes the fact that the coordinated package of personalised services also offers incentives and courses to start a new business which are foreseen for ten workers (including one start-up loan of EUR 26 000);

12. Welcomes the fact that a consortium of local, regional and national stakeholders has discussed and formulated a strategy for new growth opportunities in the Odense region, and that this strategy is guiding the choice of re-training measures in the application;

13. Notes, however, the proposed subsistence allowance of EUR 103 per worker per day of active involvement and that the amount foreseen for those allowances represents more than one-third of the total cost of the package; recalls that that EGF support should primarily be allocated to job search and training programmes rather than contributing directly to financial allowances, which are the responsibility of Member States by virtue of the national law;

14. Welcomes the emphasis on new areas of potential growth and development in the regional economy such as energy technology, robotics and welfare technology, which are in line with both Lisbon goals of strong European competitiveness and Europe 2020 goals of smart, inclusive and sustainable growth;

15. Welcomes the fact that the EGF support in this case is coordinated by a newly set-up EGF Secretariat under the Odense Municipality and that a dedicated website was established and two conferences are planned to promote the outcome of the two EGF applications;

16. Requests the institutions involved to make the necessary efforts to improve procedural and budgetary arrangements to accelerate the mobilisation of the EGF; appreciates the improved procedure put in place by the Commission, following Parliament's request for accelerating the release of grants, aimed at presenting to the budgetary authority the Commission's assessment on the eligibility of an EGF application together with the proposal to mobilise the EGF; hopes that further improvements in the procedure will be integrated in the new Regulation on the European Globalisation Adjustment Fund (2014–2020) and that greater efficiency, transparency and visibility of the EGF will be achieved;

17. Recalls the institutions' commitment to ensuring a smooth and rapid procedure for the adoption of the decisions on the mobilisation of the EGF, providing one-off, time-limited individual support geared to helping workers who have been made redundant as a result of globalisation and the financial and economic crisis; emphasises the role that the EGF can play in the reintegration of workers made redundant into the labour market;

18. Deplores the fact that, despite several successful Danish mobilisations of the EGF under both the trade-related and the crisis-related criteria, Denmark is among those countries undermining the future of the EGF after 2013, blocking the extension of the crisis derogation and decreasing the financial allocation to the Commission for technical assistance for the EGF for 2012;

19. Stresses that, in accordance with Article 6 of the EGF Regulation, it should be ensured that the EGF supports the reintegration of individual redundant workers into employment; further stresses that the EGF assistance can co-finance only active labour market measures which lead to long-term employment; reiterates that assistance from the EGF must not replace actions which are the responsibility of companies by virtue of national law or collective agreements, or measures restructuring companies or sectors; deplores the fact that the EGF might provide an incentive for companies to replace their contractual workforce with a more flexible and short-term one;

20. Notes that the information provided on the coordinated package of personalised services to be funded from the EGF includes information on their complementarity with actions funded by the Structural Funds; reiterates its call to the Commission to present a comparative evaluation of those data in its annual reports in order to ensure full respect of the existing regulations and that no duplication of Union-funded services can occur;

21. Welcomes the fact that following repeated requests from Parliament, the 2012 budget shows payment appropriations of EUR 50 000 000 on the EGF budget line 040501; recalls that the EGF was created as a separate specific instrument with its own objectives and deadlines and therefore deserves a dedicated allocation, which will avoid transfers from other budget lines, as happened in the past, which could be detrimental to the achievement of the policy objectives of the EGF;

22. Regrets the decision of the Council to block the extension of the "crisis derogation", which allows provision of financial assistance to workers made redundant as a result of the current financial and economic crisis in addition to those losing their job because of changes in global trade patterns, and which allows an increase in the rate of Union co-financing to 65 % of the programme costs, for applications submitted after the 31 December 2011 deadline, and calls on the Council to reintroduce this measure without delay;

23. Approves the decision annexed to this resolution;

24. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the *Official Journal of the European Union*;

25. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

Tuesday 11 September 2012

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Globalisation Adjustment Fund in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2011/008 DK/Odense Steel Shipyard from Denmark)

(The text of this annex is not reproduced here since it corresponds to the final act, Decision 2012/537/EU.)

Mobilisation of the European Globalisation Adjustment Fund: Application EGF/2011/017 ES/Aragón Construction, Spain

P7_TA(2012)0305

European Parliament resolution of 11 September 2012 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2011/017 ES/Aragón Construction from Spain) (COM(2012)0290 – C7-0150/2012 – 2012/2121(BUD))

(2013/C 353 E/27)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2012)0290 – C7-0150/2012),

— having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management [1] (IIA of 17 May 2006), and in particular point 28 thereof,

— having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund [2] (EGF Regulation),

— having regard to the trilogue procedure provided for in point 28 of the IIA of 17 May 2006,

— having regard to the letter of the Committee on Employment and Social Affairs,

— having regard to the report of the Committee on Budgets (A7-0233/2012),

A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who are suffering from the consequences of major structural changes in world trade patterns and to assist their reintegration into the labour market;

B. whereas the scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis;

[1] OJ C 139, 14.6.2006, p. 1.
[2] OJ L 406, 30.12.2006, p. 1.

C. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard for the IIA of 17 May 2006 in respect of the adoption of decisions to mobilise the EGF;

D. whereas Spain has requested assistance for 836 redundancies, 320 of which are targeted for assistance, in 377 enterprises operating in the NACE Revision 2 Division 41 ('Construction of buildings') ([1]) in the NUTS II region of Aragón (ES24) in Spain;

E. whereas the application fulfils the eligibility criteria laid down by the EGF Regulation;

1. Agrees with the Commission that the conditions set out in Article 2(b) of the EGF Regulation are met and that, therefore, Spain is entitled to a financial contribution under that Regulation;

2. Notes that the Spanish authorities submitted the application for EGF financial contribution on 28 December 2011 and that its assessment was made available by the Commission on 18 June 2012; welcomes the fact that the evaluation process and submission of additional information by Spain were speedy and accurate;

3. Notes that unemployment has increased dramatically in Aragón, and that, by the end of 2011, the number of workers registered in the public labour offices was close to 100 000, of which 15 % were workers made redundant in the construction sector;

4. Notes that the region of Aragón has been hard hit in the past by mass dismissals and welcomes the fact that the region has decided to use the EGF support to address those redundancies; Spain has submitted two EGF applications for the Aragón region before: EGF/2008/004 ES Castilla y León & Aragón (1 082 redundancies in the automotive industry of which 594 occurred in Aragón) ([2]) and EGF/2010/016 ES Aragón retail (1 154 redundancies in the retail sector) ([3]); welcomes the fact that the region is building on the experience with the EGF and quickly assists workers in several sectors; firmly believes that the anticipated EGF assistance can further contribute to preventing the risk of depopulation in the region of Aragón (currently comprising between 3 and 54 inhabitants per km^2) by effectively encouraging the population to remain in this territory;

5. Notes that the Spanish authorities inform that in their assessment based on the experience with previous EGF applications, only 320 of the workers targeted for the EGF support will choose to participate in the measures; calls on the Spanish authorities to use the EGF support to its full potential;

6. Welcomes the fact that, in order to provide workers with speedy assistance, the Spanish authorities decided to start the implementation of the measures ahead of the final decision on granting the EGF support for the proposed coordinated package;

([1]) Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1).
([2]) OJ C 212 E, 5.8.2010, p. 165.
([3]) OJ C 169 E, 15.6.2012, p. 157.

7. Recalls the importance of improving the employability of all workers by means of tailored training and the recognition of skills and competences gained throughout the professional career; expects the training on offer in the coordinated package to be adapted not only to the needs of the dismissed workers but also to those of the actual business environment;

8. Welcomes the fact that the relevant social partners were consulted on the application for the EGF assistance and on the contents of the package of personalised services to be provided to the workers in order to improve the match between the demand and supply in the labour market;

9. Welcomes in particular the training course which had been designed to match the identified needs of local enterprises which will in turn undertake to employ some of the workers participating in this action;

10. Highlights the fact that lessons should be learned from the preparation and implementation of this and other applications addressing mass dismissals in a high number of small and medium enterprises (SMEs) in one sector, in particular, in terms of the eligibility of self-employed and owners of the SMEs for EGF support in the future regulation and the arrangements used by the regions and the Member States to quickly come up with sectoral applications covering a large number of enterprises;

11. Notes that the measures supporting entrepreneurship are foreseen for only 20 workers; hopes that the Spanish authorities will promote entrepreneurship and be able to adapt the coordinated package of services in the event of increased interest in this kind of measures;

12. Requests the institutions involved to make the necessary efforts to improve procedural and budgetary arrangements to accelerate the mobilisation of the EGF; appreciates the improved procedure put in place by the Commission, following Parliament's request for accelerating the release of grants, aimed at presenting to the budgetary authority the Commission's assessment on the eligibility of an EGF application together with the proposal to mobilise the EGF; hopes that further improvements in the procedure will be integrated in the new Regulation on the European Globalisation Adjustment Fund (2014–2020) and that greater efficiency, transparency and visibility of the EGF will be achieved;

13. Notes that the coordinated package foresees several participation incentives to encourage participation in the measures: job search allowance of EUR 300 (lump sum), outplacement allowance of EUR 200 and EUR 400 for self-employed per month for a maximum of three months; recalls that the EGF support should be primarily allocated to training and job search as well as training programs instead of contributing directly to unemployment benefits which are the responsibility of national institutions;

14. Recalls the institutions' commitment to ensuring a smooth and rapid procedure for the adoption of the decisions on the mobilisation of the EGF, providing one-off, time-limited individual support geared to helping workers who have been made redundant as a result of globalisation and the financial and economic crisis; emphasises the role that the EGF can play in the reintegration of workers made redundant into the labour market;

15. Notes that the case at hand reflects the social and economic landscape of the specific region which could in the future be addressed by extending the scope of the EGF to self-employed workers (as proposed by the Commission in the proposal for the EGF 2014-2020);

16. Stresses that, in accordance with Article 6 of the EGF Regulation, it should be ensured that the EGF supports the reintegration of individual redundant workers into employment; further stresses that the EGF assistance can co-finance only active labour market measures which lead to durable, long-term employment; reiterates that assistance from the EGF must not replace actions which are the responsibility of companies by virtue of national law or collective agreements, or measures restructuring companies or sectors; deplores the fact that the EGF might provide an incentive for companies to replace their contractual workforce with a more flexible and short-term one;

17. Notes that the information provided on the coordinated package of personalised services to be funded from the EGF includes information on their complementarity with actions funded by the Structural Funds; reiterates its call to the Commission to present a comparative evaluation of those data in its annual reports in order to ensure full respect of the existing regulations and that no duplication of Union-funded services can occur;

18. Welcomes the fact that following repeated requests from Parliament, the 2012 budget shows payment appropriations of EUR 50 000 000 on the EGF budget line 040501; recalls that the EGF was created as a separate specific instrument with its own objectives and deadlines and therefore deserves a dedicated allocation, which will avoid transfers from other budget lines, as happened in the past, which could be detrimental to the achievement of the policy objectives of the EGF;

19. Regrets the decision of the Council to block the extension of the "crisis derogation", allowing to provide financial assistance to workers made redundant as a result of the current financial and economic crisis in addition to those losing their job because of changes in global trade patterns, and allowing the increase in the rate of Union co-financing to 65 % of the programme costs, for applications submitted after the 31 December 2011 deadline, and calls on the Council to reintroduce this measure without delay;

20. Approves the decision annexed to this resolution;

21. Instructs its President to sign the decision with the President of the Council and to arrange for its publication in the *Official Journal of the European Union*;

22. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2011/017 ES/Aragón Construction from Spain)

(The text of this annex is not reproduced here since it corresponds to the final act, Decision 2012/536/EU.)

Tuesday 11 September 2012

Energy efficiency ***I

P7_TA(2012)0306

European Parliament legislative resolution of 11 September 2012 on the proposal for a directive of the European Parliament and of the Council on energy efficiency and repealing Directives 2004/8/EC and 2006/32/EC (COM(2011)0370 – C7-0168/2011 – 2011/0172(COD))

(2013/C 353 E/28)

(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0370),

— having regard to Article 294(2) and Article 194(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0168/2011),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the reasoned opinion submitted, within the framework of the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, by the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,

— having regard to the opinion of the European Economic and Social Committee of 26 October 2011 ([1]),

— having regard to the opinion of the Committee of the Regions of 14 December 2011 ([2]),

— having regard to the undertaking given by the Council representative by letter of 27 June 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 Industry, Research and Energy and the opinions of the Committee on the Environment, Public Health and Food Safety and the Committee on Women's Rights and Gender Equality (A7-0265/2012),

1. Adopts its position at first reading hereinafter set out;

2. Approves the joint statement by Parliament, the Council and the Commission annexed to this resolution;

3. Takes note of the Commission statements annexed to this resolution;

([1]) OJ C 24, 28.1.2012, p. 134.
([2]) OJ C 54, 23.2.2012, p. 49.

4. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2011)0172

Position of the European Parliament adopted at first reading on 11 September 2012 with a view to the adoption of Directive 2012/…/EU of the European Parliament and of the Council on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2012/27/EU.)

Annex to the legislative resolution

Statement by the European Parliament, the Council and the Commission on the exemplary role of their buildings in the context of the Energy Efficiency Directive

The European Parliament, the Council and the Commission declare that, due to the high visibility of their buildings and the leading role they should play with regard to their buildings' energy performance, they will, without prejudice to applicable budgetary and procurement rules, undertake to apply the same requirements to the buildings they own and occupy as those applicable to the buildings of Member States' central government under Articles 5 and 6 of Directive 2012/…/EU of the European Parliament and of the Council on energy efficiency and repealing Directives 2004/8/EC and 2006/32/EC.

Commission statement in relation to energy audits

As explained in its Communication to the European Parliament, the Council, the Economic and Social Committee and the Committee of Regions on EU State Aid Modernisation (COM(2012)0209 of 8 May 2012), the Commission has identified the EU Guidelines on State Aid for Environmental Protection as one of the instruments which can contribute to the Europe 2020 Growth Strategy and objectives and which may be revised by the end of 2013. In such context, the Commission may verify that the future rules on State Aid for Environmental Protection continue to promote in an optimal way sustainable growth, inter alia through promotion of energy efficiency in line with the objectives of the present Directive.

Commission statement in relation to EU ETS

In the light of the need to maintain the incentives in the EU's Emissions Trading System the Commission undertakes:

— to urgently present the first report pursuant to Article 10(5) of Directive 2003/87/EC on the carbon market accompanied by a review of the auction time profile of phase 3

— to examine in this report options, including among others permanent withholding of the necessary amount of allowances, for action with a view to adopting as soon as possible further appropriate structural measures to strengthen the ETS during phase 3, and make it more effective.

Tuesday 11 September 2012

European standardisation ***I

P7_TA(2012)0311

European Parliament legislative resolution of 11 September 2012 on the proposal for a regulation of the European Parliament and of the Council on European Standardisation and amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/105/EC and 2009/23/EC of the European Parliament and of the Council (COM(2011)0315 – C7-0150/2011 – 2011/0150(COD))

(2013/C 353 E/29)

(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0315),

— having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0150/2011),

— 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 21 September 2011 ([1]),

— having regard to the undertaking given by the Council representative by letter of 6 June 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 the Internal Market and Consumer Protection and the opinions of the Committee on International Trade and of the Committee on Industry, Research and Energy (A7-0069/2012),

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.

([1]) OJ C 376, 22.12.2011, p. 69.

Tuesday 11 September 2012

P7_TC1-COD(2011)0150

Position of the European Parliament adopted at first reading on 11 September 2012 with a view to the adoption of Regulation (EU) No …/2012 of the European Parliament and of the Council on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 1025/2012.)

Electronic identification of bovine animals ***I

P7_TA(2012)0312

Amendments adopted by the European Parliament on 11 September 2012 on the amended proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1760/2000 as regards electronic identification of bovine animals and deleting the provisions on voluntary beef labelling (COM(2012)0162 – C7-0114/2012 – 2011/0229(COD)) [1]

(2013/C 353 E/30)

(Ordinary legislative procedure: first reading)

TEXT PROPOSED BY THE COMMISSION	AMENDMENT
Amendment 43 **Proposal for a regulation** **Title**	
Regulation of the European Parliament and of the Council amending Regulation (EC) No 1760/2000 as regards electronic identification of bovine animals and ***deleting the provisions on voluntary beef labelling***	Regulation of the European Parliament and of the Council amending Regulation (EC) No 1760/2000 as regards electronic identification of bovine animals and ***the labelling of beef***
Amendment 2 **Proposal for a regulation** **Recital 4**	
(4) Tracing of beef to source via identification and registration is a prerequisite for origin labelling throughout the food chain ***ensuring*** consumer protection and public health.	(4) Tracing of beef to source via identification and registration is a prerequisite for origin labelling throughout the food chain. ***Those measures ensure*** consumer protection and public health ***and promote consumer confidence.***
Amendment 4 **Proposal for a regulation** **Recital 6**	
(6) The use of electronic identification systems would potentially streamline traceability processes through automated and more accurate reading and recording into the holding register. It	(6) The use of electronic identification systems would potentially streamline traceability processes through automated and more accurate reading and recording into the holding register. It

[1] The matter was referred back to the committee responsible for reconsideration pursuant to Rule 57(2), second subparagraph (A7- 0199/2012).

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TEXT PROPOSED BY THE COMMISSION	AMENDMENT
would enable also automated reporting of animal movements into the computerised data base and thus improve speed, reliability and accuracy of the system.	would enable also automated reporting of animal movements into the computerised data base and thus improve speed, reliability and accuracy of the system. ***It would improve the management of direct payments paid to farmers per animal head through better controls and reduced risk of payment errors.***

Amendment 5

Proposal for a regulation
Recital 7

(7) Electronic identification systems based on radio frequency identification have considerably improved in the last *ten* years. That technology allows a faster and more accurate reading of individual animal identity codes directly into data processing systems resulting *on* a reduction of time needed to trace potential infected animals or infected food, saving labour costs but at the same time increasing equipment costs.	(7) Electronic identification systems based on radio frequency identification have considerably improved in the last *10* years***, even though International Organisation for Standardisation (ISO) standards still need to be applied, and they need to be tested for bovines***. That technology allows a faster and more accurate reading of individual animal identity codes directly into data processing systems resulting *in* a reduction of time needed to trace potential infected animals or infected food, ***leading to improved databases and an increased capacity to react promptly in the event of disease outbreaks,*** saving labour costs but at the same time increasing equipment costs. ***If the electronic identification is faulty, the failure of the technology must not result in penalty payments being imposed on farmers.***

Amendment 6

Proposal for a regulation
Recital 9

(9) Given the technological advances in EID, several Member States have decided to start to implement bovine EID on a voluntary basis. Those initiatives are likely to lead to different systems to be developed in individual Member States or by stakeholders. Such a development would impede later harmonisation of technical standards within the Union.	(9) Given the technological advances in EID, several Member States have decided to start to implement bovine EID on a voluntary basis. Those initiatives are likely to lead to different systems to be developed in individual Member States or by stakeholders. Such a development would impede later harmonisation of technical standards within the Union. ***It should be ensured that the systems introduced in the Member States are interoperable and consistent with ISO standards.***

Amendment 7

Proposal for a regulation
Recital 16

(16) Making EID mandatory throughout the Union may have economically adverse effects on certain operators. It is therefore appropriate that a voluntary regime ***for the introduction of EID*** is established. ***Under*** such a regime, EID ***would*** be chosen by keepers that are likely to have ***immediate*** economic benefits.	(16) Making EID mandatory throughout the Union may have economically adverse effects on certain operators. ***Furthermore, there are practical problems which continue to hinder the effective operation of EID, especially with regard to the accuracy of the technology. Experience of implementing mandatory electronic identification for small ruminants demonstrates that due to faulty technology and practical difficulties it is frequently impossible to achieve 100 % accuracy***. It is therefore appropriate that a voluntary regime is established. Such a regime ***would enable*** EID ***to*** be chosen ***only*** by keepers that are likely to have ***rapid*** economic benefits.

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 8

Proposal for a regulation
Recital 17

(17) Member States have very different husbandry systems, farming practices and sector organisations. Member States should therefore be allowed to make EID compulsory on their territory only when they deem it appropriate, after considering all those factors.	(17) Member States have very different husbandry systems, farming practices and sector organisations. Member States should therefore be allowed to make EID compulsory on their territory only when they deem it appropriate, after considering all those factors***, including any negative impact on small farmers, and following consultation with organisations representing the beef industry***.

Amendment 9

Proposal for a regulation
Recital 18

(18) Animals entering the Union from third countries should be subject to the same identification requirements that apply to animals born in the Union.	(18) Animals ***and meat*** entering the Union from third countries should be subject to the same identification ***and traceability*** requirements that apply to animals born in the Union.

Amendment 10

Proposal for a regulation
Recital 19

(19) Regulation (EC) No 1760/2000 provides that the competent authority is to issue a passport for each animal which has to be identified in accordance with that Regulation. This causes a considerable administrative burden for the Member States. The computerised databases established by Member States sufficiently ensure traceability of domestic movements of bovine animals. Passports should therefore be issued only for animals intended for intra-Union trade. Once the data exchange between national computerised databases is operational, the requirement of issuing such passports should no longer apply for animals intended for intra-Union trade.	(19) Regulation (EC) No 1760/2000 provides that the competent authority is to issue a passport for each animal which has to be identified in accordance with that Regulation. This causes a considerable administrative burden for the Member States. The computerised databases established by Member States ***should*** sufficiently ensure traceability of domestic movements of bovine animals. Passports should therefore be issued only for animals intended for intra-Union trade. Once the data exchange between national computerised databases is operational, the requirement of issuing such passports should no longer apply for animals intended for intra-Union trade.

Amendment 11

Proposal for a regulation
Recital 19 a (new)

	(19a) So far, there is no specific legislation on cloning. However, opinion polls show that this issue is of great interest to the European public. It is therefore appropriate to ensure that beef derived from cloned animals or their descendants is labelled as such.

Amendment 12

Proposal for a regulation
Recital 20

(20) Section II of Title II of Regulation (EC) No 1760/2000 lays down rules for a voluntary beef labelling system which provide for the approval of certain labelling specifications by	(20) Section II of Title II of Regulation (EC) No 1760/2000 lays down rules for a voluntary beef labelling system which provide for the approval of certain labelling specifications by

Tuesday 11 September 2012

TEXT PROPOSED BY THE COMMISSION	AMENDMENT
the competent authority of the Member State. ***The administrative burden and the costs incurred by Member States and economic operators in applying this system are not proportionate to the benefits of the system. That Section*** should ***therefore*** be deleted.	the competent authority of the Member State. ***In view of developments in the beef sector since the above Regulation was adopted, the beef labelling system needs to be revised. Since the system of voluntary beef labelling is neither effective nor useful, it*** should be deleted***, without compromising the right of operators to inform consumers through voluntary labelling. Consequently, as for any other sort of meat, information which goes beyond mandatory labelling, this means in this particular case what is required by Articles 13 and 15 of Regulation (EC) No 1760/2000, and is extremely important to consumers and farmers, for example breed, feed and husbandry, will have to respect the current horizontal legislation, including Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers ([1]). Beyond this, the deletion is also balanced by the formulation, in this Regulation, of general rules ensuring consumer protection.***

([1]) OJ L 304, 22.11.2011, p. 18.

Amendments 14 and 45

Proposal for a regulation
Recital 22

(22) In order to ensure that the necessary rules for the proper functioning of the identification, registration and traceability of bovine animals and beef are applied, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of requirements for alternative means of identification of bovine animals, special circumstances in which Member States may extend the maximum periods for the application of the means of identification, data to be exchanged between the computerised databases of the Member States, the maximum period for certain reporting obligations, the requirements for means of identification, the information to be included in the passports and in the individual registers to be kept on each holding, the minimum level of official controls, the identification and registration of movements of bovine animals ***when put out to summer grazing in*** different ***mountain areas***, rules for labelling certain products which should be equivalent to the rules laid down in Regulation (EC) No 1760/2000, the definitions of minced beef, beef trimmings or cut beef, ***the specific indications that may be put on labels, the labelling provisions related to the simplification of the indication of origin,*** the maximum size and composition of certain groups of animals, the approval procedures related to labelling conditions on packaging of cut meat and the administrative sanctions to be applied by the Member States in cases of non-compliance with Regulation (EC) No 1760/2000. 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 such delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.	(22) In order to ensure that the necessary rules for the proper functioning of the identification, registration and traceability of bovine animals and beef are applied, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of requirements for alternative means of identification of bovine animals, special circumstances in which Member States may extend the maximum periods for the application of the means of identification, data to be exchanged between the computerised databases of the Member States, the maximum period for certain reporting obligations, the requirements for means of identification, the information to be included in the passports and in the individual registers to be kept on each holding, the minimum level of official controls, the identification and registration of movements of bovine animals ***during*** different ***types of seasonal transhumance***, rules for labelling certain products which should be equivalent to the rules laid down in Regulation (EC) No 1760/2000, the definitions of minced beef, beef trimmings or cut beef, the maximum size and composition of certain groups of animals, the approval procedures related to labelling conditions on packaging of cut meat and the administrative sanctions to be applied by the Member States in cases of non-compliance with Regulation (EC) No 1760/2000. 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 such delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 15

Proposal for a regulation
Recital 23

(23) In order to ensure uniform conditions for the implementation of Regulation (EC) No 1760/2000 with respect to the registration of holdings making use of alternative means of identification, technical characteristics and modalities for the exchange of data between the computerised databases of Member States, the format and design of the means of identification, technical procedures and standards for the implementation of EID, the format of the passports and of the register to be kept on each holding, rules concerning the modalities for the application of the sanctions imposed by the Member States on holders pursuant to Regulation (EC) No 1760/2000, corrective actions to be taken by the Member States to ensure proper compliance with Regulation (EC) No 1760/2000, in cases where on-the-spot checks so justify, 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.	(23) In order to ensure uniform conditions for the implementation of Regulation (EC) No 1760/2000 with respect to the registration of holdings making use of alternative means of identification, technical characteristics and modalities for the exchange of data between the computerised databases of Member States, ***the declaration that the data exchange system between Member States is fully operational,*** the format and design of the means of identification, technical procedures and standards for the implementation of EID, the format of the passports and of the register to be kept on each holding, rules concerning the modalities for the application of the sanctions imposed by the Member States on holders pursuant to Regulation (EC) No 1760/2000, corrective actions to be taken by the Member States to ensure proper compliance with Regulation (EC) No 1760/2000, in cases where on-the-spot checks so justify, ***and the necessary rules to ensure proper compliance in particular as regards controls, administrative sanctions, and various maximum periods laid down in 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.

Amendment 16

Proposal for a regulation
Recital 23 a (new)

	(23a) The implementation of this Regulation should be monitored. Consequently, no later than five years after the entry into force of this Regulation, the Commission should submit to the European Parliament and to the Council a report dealing both with the implementation of this Regulation and with the technical and economic feasibility of introducing mandatory electronic identification everywhere in the Union. If this report concludes that electronic identification should become mandatory, it should, if appropriate, be accompanied by an appropriate legislative proposal. That legislation would remove risks of distortion of competition within the internal market.

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TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 17

Proposal for a regulation
Article 1 – point 1 a (new)
Regulation (EC) No 1760/2000
Article 2

	(1a) In Article 2, the following definition is added:
	" "***cloned animals***" ***means animals produced by means of a method of asexual, artificial reproduction with the aim of producing a genetically identical or nearly identical copy of an individual animal,***".

Amendment 18

Proposal for a regulation
Article 1 – point 1 b (new)
Regulation (EC) No 1760/2000
Article 2

	(1b) In Article 2, the following definition is added:
	" "***descendants of cloned animals***" ***means animals produced by means of sexual reproduction, in cases in which at least one of the progenitors is a cloned animal,***".

Amendment 19

Proposal for a regulation
Article 1 – point 3
Regulation (EC) No 1760/2000
Article 4 – paragraph 1 – subparagraph 1

1. All animals on a holding shall be identified by at least two individual means of identification authorised in accordance with Articles 10 and 10a and approved by the competent authority.	1. All animals on a holding shall be identified by at least two individual means of identification authorised in accordance with Articles 10 and 10a and approved by the competent authority. ***The Commission shall ensure that identifiers used in the Union are interoperable and consistent with ISO standards.***

Amendment 20

Proposal for a regulation
Article 1 – point 3
Regulation (EC) No 1760/2000
Article 4 – paragraph 1 – subparagraph 2

The means of identification shall be allocated to the holding, distributed and applied to the animals in a manner determined by the competent authority.	The means of identification shall be allocated to the holding, distributed and applied to the animals in a manner determined by the competent authority. ***This shall not apply to animals born before 1 January 1998 and not intended for intra-Union trade.***

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 21

Proposal for a regulation
Article 1 – point 3
Regulation (EC) No 1760/2000
Article 4 – paragraph 1 – subparagraph 3

All means of identification applied to one animal shall bear the same unique identification code, which makes it possible to identify the animal individually together with the holding on which it was born.	All means of identification applied to one animal shall bear the same unique identification code, which makes it possible to identify the animal individually together with the holding on which it was born. ***By way of derogation, in cases where it is not possible for the two individual means of identification to bear the same unique identification code, the competent authority may, under its supervision, allow for the second means of identification to bear a different code provided that full traceability is ensured and individual identification of the animal, including the holding on which it was born, is possible.***

Amendment 22

Proposal for a regulation
Article 1 – point 3
Regulation (EC) No 1760/2000
Article 4 – paragraph 2 – subparagraph 2

The Member States that make use of this option shall provide the Commission with the text of such national provisions.	The Member States that make use of this option shall provide the Commission with the text of such national provisions. ***The Commission shall then supply the other Member States, in a language which is readily understandable by those Member States, with a summary of the national rules governing the movement of animals to Member States that have opted for compulsory EID and shall make them publicly available.***

Amendment 23

Proposal for a regulation
Article 1 – point 4
Regulation (EC) No 1760/2000
Article 4a – paragraph 1 – subparagraph 1 – point b

(b) 60 days for the second means of identification.	(b) 60 days for the second means of identification, ***for reasons related to the physiological development of the animals***.

Amendment 24

Proposal for a regulation
Article 1 – point 4
Regulation (EC) No 1760/2000
Article 4a – paragraph 1 – subparagraph 2

No animal may leave the holding where it was born before the two means of identification have been applied.	No animal may leave the holding where it was born before the two means of identification have been applied ***except in case of force majeure.***

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TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 25

Proposal for a regulation
Article 1 – point 4
Regulation (EC) No 1760/2000
Article 4a – paragraph 2 – subparagraph 1 a (new)

	The first subparagraph shall not apply to animals born before 1 January 1998 and not intended for intra-Union trade.

Amendment 26

Proposal for a regulation
Article 1 – point 4
Regulation (EC) No 1760/2000
Article 4b – paragraph 2 – subparagraph 2

That period shall not exceed 20 days following the veterinary checks referred in paragraph 1. In any event, the means of identification shall be applied to the animals before they leave the holding of destination.	That period shall not exceed 20 days following the veterinary checks referred in paragraph 1. ***By way of derogation, for reasons related to the physiological development of the animals, that period may be extended by up to 60 days for the second means of identification.*** In any event, the means of identification shall be applied to the animals before they leave the holding of destination.

Amendment 27

Proposal for a regulation
Article 1 – point 4
Regulation (EC) No 1760/2000
Article 4c – paragraph 2 – subparagraph 2

The maximum period referred to in point (b) shall not exceed 20 days from the date of arrival of the animals on the holding of destination. In any event, the means of identification shall be applied to the animals before they leave the holding of destination.	The maximum period referred to in point (b) shall not exceed 20 days from the date of arrival of the animals on the holding of destination***. By way of derogation, for reasons related to the physiological development of the animals, that period may be extended by up to 60 days for the second means of identification.*** In any event, the means of identification shall be applied to the animals before they leave the holding of destination.

Amendment 28

Proposal for a regulation
Article 1 – point 4
Regulation (EC) No 1760/2000
Article 4c – paragraph 2 – subparagraph 2 a (new)

	Notwithstanding the third subparagraph of Article 4(1), in cases where it is not possible to apply an electronic identifier with the same unique identification code to the animal, the competent authority may, under its supervision, allow for the second means of identification to bear a different code provided that full traceability is ensured and that individual identification of the animal, including the holding on which it was born, is possible.

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 29

Proposal for a regulation
Article 1 – point 4
Regulation (EC) No 1760/2000
Article 4d

No means of identification ***may*** be removed or replaced without the permission and without the control of the competent authority. Such permission may only be granted where the removal or replacement do not compromise the traceability of the animal.	No means of identification ***shall*** be ***modified,*** removed or replaced without the permission and without the control of the competent authority. Such permission may only be granted where the ***modification, the*** removal or replacement do not compromise the traceability of the animal.

Amendment 30

Proposal for a regulation
Article 1 – point 5
Regulation (EC) No 1760/2000
Article 5 – paragraph 2 – subparagraph 1

Member States may exchange electronic data between their computerised databases from the date when the Commission recognises the full operability of the data exchange system.	Member States may exchange electronic data between their computerised databases from the date when the Commission recognises the full operability of the data exchange system. ***This must be done in such a way that data protection is guaranteed and any abuse prevented in order to protect the interests of the holding.***

Amendment 31

Proposal for a regulation
Article 1 – point 6
Regulation (EC) No 1760/2000
Article 6 – point c a (new)

	(ca) in the case of animals exported to third countries, the passport shall be surrendered by the last keeper to the competent authority at the place where the animal is exported.

Amendment 32

Proposal for a regulation
Article 1 – point 7 – point b
Regulation (EC) No 1760/2000
Article 7 – paragraph 5 – point b

(b) enters up-to-date information directly into the computerised database within ***twenty-four hours*** of the occurrence of the event.	(b) enters up-to-date information directly into the computerised database within ***72 hours*** of the occurrence of the event.

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TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 33

Proposal for a regulation
Article 1 – point 8
Regulation (EC) No 1760/2000
Article 9a

Member States shall ensure that any person responsible for the identification and registration of animals receives instructions and guidance on the relevant provisions of this Regulation and of any delegated and implementing acts adopted by the Commission on the basis of Articles 10 and 10a, and that appropriate training courses are available.	Member States shall ensure that any person responsible for the identification and registration of animals receives instructions and guidance on the relevant provisions of this Regulation and of any delegated and implementing acts adopted by the Commission on the basis of Articles 10 and 10a, and that appropriate training courses are available. ***This information shall be supplied, at no cost to the recipient, every time a change is made to the relevant provisions and as often as necessary. Member States shall share best practices in order to ensure good quality of training and information sharing across the Union.***

Amendment 34

Proposal for a regulation
Article 1 – point 9
Regulation (EC) No 1760/2000
Article 10 – paragraph 1 – point e

(e) the identification and registration of movements of bovine animals ***when put out to summer grazing in different mountain areas***.	(e) the identification and registration of movements of bovine animals ***during different types of seasonal transhumance.***

Amendment 35

Proposal for a regulation
Article 1 – point 11 – point b a (new)
Regulation (EC) No 1760/2000
Article 13 – paragraph 5 a (new)

	(ba) The following paragraph is added:
	"***5a. As from (*), operators and organisations shall also indicate on their labels where the beef is derived from cloned animals or descendants of cloned animals.***"
	(*) Six months from the date of entry into force of this Regulation.

Amendment 46

Proposal for a regulation
Article 1 – point 14
Regulation (EC) No 1760/2000
Title II – section II

14) Articles 16, 17 and 18 are deleted.	14) ***Starting from 1 January 2014, the heading of section II of title II shall be replaced by the words 'Voluntary labelling',*** Articles 16, 17 and 18 are deleted***, and Article 15a shall be inserted into section II of title II:***

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TEXT PROPOSED BY THE COMMISSION	AMENDMENT
	'Article 15a
	General rules
	Information other than that specified in part I of this Title which is added to labels by operators or organisations marketing beef must be objective, verifiable by the relevant authorities and comprehensible to consumers.
	Moreover, voluntary beef labelling has to respect the current horizontal legislation on labelling and Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers.
	The competent authority shall verify the truthfulness of the voluntary information. In the event of a failure on the part of operators or organisations marketing beef to comply with these obligations, the sanctions laid down in accordance with Article 22(4a) will be applied.'

Amendment 51

Proposal for a regulation
Article 1 – point 15
Regulation (EC) No 1760/2000
Article 19 – point b

(b) the specific indications that may be put on labels;	(b) ***definition of and requirements for*** the specific indications that may be put on labels;

Amendment 40

Proposal for a regulation
Article 1 – point 17 – point a
Regulation (EC) No 1760/2000
Article 22 – paragraph 1 – subparagraph 3

The Commission shall, ***by means of implementing*** acts***, lay down*** the necessary rules, including transitional measures required for their introduction, concerning the procedures for the application of the sanctions referred to in the second subparagraph. ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).***	The Commission shall ***be empowered to adopt delegated*** acts, ***in accordance with Article 22b, laying down*** the necessary rules, including transitional measures required for their introduction, concerning the procedures for the application of the sanctions referred to in the second subparagraph.

Amendment 47

Proposal for a regulation
Article 1 – point 18
Regulation (EC) No 1760/2000
Article 22 b

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

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TEXT PROPOSED BY THE COMMISSION	AMENDMENT
2. The ***delegation of*** power referred to in Articles 4(5) and 4a(2), ***and*** in Articles 5, 7, 10, 14 and 19 and in Article 22(4a) shall be conferred on the Commission for ***an indeterminate*** period of ***time*** from (*).	2. The power ***to adopt delegated acts*** referred to in Articles 4(5) and 4a(2), in Articles 5, 7, 10, 14 and 19***, in Article 22(1) third subparagraph*** and in Article 22(4a) shall be conferred on the Commission for a period of ***five years*** from (*).
3. The delegation of power referred to in Articles 4(5) and 4a(2), ***and*** in Articles 5, 7, 10, 14 and 19 and in Article 22(4a) 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 the power specified in that decision. It shall take effect 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 any delegated acts already in force.	3. The delegation of power referred to in Articles 4(5) and 4a(2), in Articles 5, 7, 10, 14 and 19***, in Article 22(1) third subparagraph*** and in Article 22(4a) 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 the power specified in that decision. It shall take effect 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 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.	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 Articles 4(5) and 4a(2), ***and*** Articles 5, 7, 10, 14, and 19 and in Article 22(4a) 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 two months at the initiative of the European Parliament or the Council."	5. A delegated act adopted pursuant to Articles 4(5) and 4a(2), Articles 5, 7, 10, 14, and 19***, Article 22(1) third subparagraph*** and in Article 22(4a) 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 two months at the initiative of the European Parliament or the Council."
(*) [date of entry into force of this Regulation or from any other date set by the legislator].	***(*) Date of entry into force of this Regulation.***

Amendment 42

Proposal for a regulation
Article 1 – point 19 a (new)
Regulation (EC) No 1760/2000
Article 23 a (new)

(19a) The following Article is inserted:

"***Article 23a***

Report and legislative developments

No later than five years after the entry into force of this Regulation, the Commission shall submit to Parliament and the Council a report dealing both with implementation of this Regulation and with the technical and economic feasibility of introducing mandatory electronic identification everywhere in the Union. If this report concludes that electronic identification should become mandatory, it shall be accompanied by an appropriate legislative proposal.".

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Pharmacovigilance (amendment of Directive 2001/83/EC) ***I

P7_TA(2012)0313

European Parliament legislative resolution of 11 September 2012 on the proposal for a directive of the European Parliament and of the Council amending Directive 2001/83/EC as regards pharmacovigilance (COM(2012)0052 – C7-0033/2012 – 2012/0025(COD))

(2013/C 353 E/31)

(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2012)0052),

— having regard to Article 294(2), Article 114 and Article 168(4)(c) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0033/2012),

— 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 28 March 2012 [1],

— after consulting the Committee of the Regions,

— having regard to the undertaking given by the Council representative by letter of 27 June 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 the Environment, Public Health and Food Safety (A7-0165/2012),

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 the proposal substantially or replace it with another text;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

[1] OJ C 181, 21.6.2012, p. 201.

Tuesday 11 September 2012

P7_TC1-COD(2012)0025

Position of the European Parliament adopted at first reading on 11 September 2012 with a view to the adoption of Directive 2012/…/EU of the European Parliament and of the Council amending Directive 2001/83/EC as regards pharmacovigilance

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2012/26/EU.)

Pharmacovigilance (amendment of Regulation (EC) No 726/2004) ***I

P7_TA(2012)0314

European Parliament legislative resolution of 11 September 2012 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 726/2004 as regards pharmacovigilance (COM(2012)0051 – C7-0034/2012 – 2012/0023(COD))

(2013/C 353 E/32)

(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2012)0051),

— having regard to Article 294(2) and Article 114 and Article 168(4)(c) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0034/2012),

— 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 28 March 2012 [1],

— after consulting the Committee of the Regions,

— having regard to the undertaking given by the Council representative by letter of 27 June 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 the Environment, Public Health and Food Safety (A7-0164/2012),

1. Adopts its position at first reading hereinafter set out;

[1] OJ C 181, 21.6.2012, p. 202.

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2012)0023

Position of the European Parliament adopted at first reading on 11 September 2012 with a view to the adoption of Regulation (EU) No …/2012 of the European Parliament and of the Council amending Regulation (EC) No 726/2004 as regards pharmacovigilance

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 1027/2012.)

Sulphur content of marine fuels ***I

P7_TA(2012)0315

European Parliament legislative resolution of 11 September 2012 on the proposal for a directive of the European Parliament and of the Council amending Directive 1999/32/EC as regards the sulphur content of marine fuels (COM(2011)0439 – C7-0199/2011 – 2011/0190(COD))

(2013/C 353 E/33)

(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0439),

— having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0199/2011),

— 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 18 January 2012 [1],

— after consulting the Committee of the Regions,

— having regard to the undertaking given by the Council representative by letter of 31 May 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,

[1] OJ C 68, 6.3.2012, p. 70.

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— having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Transport and Tourism (A7-0038/2012),

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)0190

Position of the European Parliament adopted at first reading on 11 September 2012 with a view to the adoption of Directive 2012/…/EU of the European Parliament and of the Council amending Council Directive 1999/32/EC as regards the sulphur content of marine fuels

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2012/33/EU.)

Single payment scheme and support to vine-growers ***I

P7_TA(2012)0316

European Parliament legislative resolution of 11 September 2012 on the proposal for a regulation of the European Parliament and of the Council amending Council regulation (EC) No 1234/2007 as regards the regime of the single payment scheme and support to vine-growers (COM(2011)0631 – C7-0338/2011 – 2011/0285(COD))

(2013/C 353 E/34)

(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0631),

— 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 (C7-0338/2011),

— having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,

— having regard to Article 294(3) and the first paragraph of Article 42 of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 25 April 2012 [1],

[1] OJ C 191, 29.6.2012, p. 116.

— having regard to the opinion of the Committee of the Regions of 4 May 2012 ([1]),

— having regard to the undertaking given by the Council representative by letter of 9 July 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 Rules 55 and 37 of its Rules of Procedure,

— having regard to the report of the Committee on Agriculture and Rural Development (A7-0203/2012),

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.

([1]) OJ C 225, 27.7.2012, p. 174.

P7_TC1-COD(2011)0285

Position of the European Parliament adopted at first reading on 11 September 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 1234/2007 as regards the regime of the single payment scheme and support to vine-growers

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 1028/2012.)

Administrative cooperation through the Internal Market Information System ***I

P7_TA(2012)0317

European Parliament legislative resolution of 11 September 2012 on the proposal for a regulation of the European Parliament and of the Council on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (COM(2011)0522 – C7-0225/2011 – 2011/0226(COD))

(2013/C 353 E/35)

(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0522),

— having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0225/2011),

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— 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 7 December 2011 ([1]),

— having regard to the undertaking given by the Council representative by letter of 23 May 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 the Internal Market and Consumer Protection (A7-0068/2012),

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.

([1]) OJ C 43, 15.2.2012, p. 14.

P7_TC1-COD(2011)0226

Position of the European Parliament adopted at first reading on 11 September 2012 with a view to the adoption of Regulation (EU) No …/2012 of the European Parliament and of the Council on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation')

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 1024/2012.)

Common system of taxation applicable to interest and royalty payments *

P7_TA(2012)0318

European Parliament legislative resolution of 11 September 2012 on the proposal for a Council directive on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States (recast) (COM(2011)0714 – C7-0516/2011 – 2011/0314(CNS))

(2013/C 353 E/36)

(Special legislative procedure – consultation – recast)

The European Parliament,

— having regard to the Commission proposal to the Council (COM(2011)0714),

— having regard to Article 115 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0516/2011),

— having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts [1],

— having regard to the letter of 6 March 2012 from the Committee on Legal Affairs to the Committee on Economic and Monetary Affairs in accordance with Rule 87(3) of its Rules of Procedure,

— having regard to Rules 87 and 55 of its Rules of Procedure,

— having regard to the report of the Committee on Economic and Monetary Affairs (A7-0227/2012),

A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;

1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission and as amended below;

2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;

3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

TEXT PROPOSED BY THE COMMISSION	AMENDMENT
Amendment 1 **Proposal for a directive** **Recital 1**	
(1) Council Directive 2003/49/EC of 3 June 2003 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States has been amended several times. Since further amendments are to be made, it should be recast in the interests of clarity.	(1) Council Directive 2003/49/EC of 3 June 2003 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States has been amended several times. Since further amendments are to be made, it should be recast in the interests of clarity. ***On 19 April 2012, the European Parliament called for concrete ways to combat tax fraud and tax evasion, drawing attention to tax evasion via hybrid financial instruments and calling on the Member States to ensure smooth cooperation and coordination between their tax systems to avoid unintended non-taxation and tax evasion.***

[1] OJ C 77, 28.3.2002, p. 1.

Tuesday 11 September 2012

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 2

Proposal for a directive
Recital 1 a (new)

	(1a) Persistent and considerable public deficits are closely linked to the current social, economic and financial crisis.

Amendment 3

Proposal for a directive
Recital 4

(4) The abolition of taxation on interest and royalty payments in the Member State where they arise, whether collected by deduction at source or by assessment, is the most appropriate means of eliminating the aforementioned formalities and problems and of ensuring the equality of tax treatment as between national and cross-border transactions; it is particularly necessary to abolish such taxes in respect of such payments made between associated companies of different Member States as well as between permanent establishments of such companies.	(4) The abolition of taxation on interest and royalty payments in the Member State where they arise, whether collected by deduction at source or by assessment, is the most appropriate means of eliminating the aforementioned formalities and problems and of ensuring the equality of tax treatment as between national and cross-border transactions; it is particularly necessary to abolish such taxes in respect of such payments made between associated companies of different Member States as well as between permanent establishments of such companies ***in order to ensure a simplified and more transparent system of taxation***.

Amendment 4

Proposal for a directive
Recital 5

(5) It is necessary to ensure that interest and royalty payments are subject to tax once in a Member State and that the benefits of the Directive should only be applicable when the income derived from the payment is effectively subject to tax in the Member State of the receiving company or in the Member State where the recipient permanent establishment is situated.	(5) It is necessary to ensure that interest and royalty payments are subject to tax once in a Member State and that the benefits of the Directive should only be applicable when the income derived from the payment is effectively subject to tax in the Member State of the receiving company or in the Member State where the recipient permanent establishment is situated***, without there being the possibility of exemption or a substitution or replacement by payment of another tax***.

Amendment 5

Proposal for a directive
Recital 12

(12) It is moreover necessary not to preclude Member States from ***taking appropriate measures to combat*** fraud ***or*** abuse.	(12) It is moreover necessary ***to take appropriate measures in order*** not to preclude Member States from ***combating tax*** fraud***, tax evasion and*** abuse.

Amendment 6

Proposal for a directive
Recital 20 a (new)

	(20a) To ensure smooth and cost-efficient implementation of the provisions of this Directive, companies should prepare their annual accounts together with all relevant tax data in eXtensible Business Reporting Language (XBRL).

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 7

Proposal for a directive
Article 1 – paragraph 1

1. Interest or royalty payments arising in a Member State shall be exempt from any taxes imposed on those payments in that Member State, whether by deduction at source or by assessment, provided that the beneficial owner of the interest or royalties is a company of another Member State or a permanent establishment situated in another Member State of a company of a Member State and is effectively subject to tax on the income deriving from those payments in that other Member State.	1. Interest or royalty payments arising in a Member State shall be exempt from any taxes imposed on those payments in that Member State, whether by deduction at source or by assessment, provided that the beneficial owner of the interest or royalties is a company of another Member State or a permanent establishment situated in another Member State of a company of a Member State and is effectively subject to tax on the income deriving from those payments in that other Member State ***at a rate not lower than 70 % of the average statutory corporate tax rate applicable in the Member States, without there being the possibility of exemption or a substitution or replacement by payment of another tax. Interest or royalty payments shall not be exempted in the Member State in which they arise if the payment is not taxable according to the national tax law to which the beneficial owner is subject due to a different qualification of the payment (hybrid instruments) or a different qualification of the payer and recipient (hybrid entities).***

Amendment 8

Proposal for a directive
Article 1 – paragraph 3

3. A permanent establishment shall be treated as the payer of interest or royalties only insofar as those payments represent an expense incurred for the purposes of the activity of the permanent establishment.	3. A permanent establishment shall be treated as the payer of interest or royalties only insofar as those payments represent an expense incurred for the purposes of the activity of the permanent establishment. ***Only a permanent establishment that has met its tax liabilities shall be treated as the beneficiary of a tax exemption or a tax benefit.***

Amendment 10

Proposal for a directive
Article 2 – paragraph 1 – point d – point ii

(ii) the second company has a minimum holding of ***10*** % in the capital of the first company, or	(ii) the second company has a minimum holding of ***25*** % in the capital of the first company, or

Amendment 11

Proposal for a directive
Article 2 – paragraph 1 – point d – point iii

(iii) a third company has a minimum holding of ***10*** % both in the capital of the first company and in the capital of the second company.	(iii) a third company has a minimum holding of ***25*** % both in the capital of the first company and in the capital of the second company.

Amendment 12

Proposal for a directive
Article 4 – title

Fraud and abuse	***Tax fraud, tax evasion*** and abuse

Tuesday 11 September 2012

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 13

Proposal for a directive
Article 4 – paragraph 2

2. Member States may, in the case of transactions for which the principal motive or one of the principal motives is tax ***evasion***, tax ***avoidance*** or abuse, withdraw the benefits of this Directive or refuse to apply this Directive.	2. Member States may, in the case of transactions for which the principal motive or one of the principal motives is tax ***fraud***, tax ***evasion, tax*** abuse, ***or tax avoidance,*** withdraw the benefits of this Directive or refuse to apply this Directive.

Amendment 14

Proposal for a directive
Article 6 – paragraph 1 – subparagraph 1

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1(1) and (3), Article 2(c) and (d), and Annex I, Part A by ***1 January 2012*** at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1(1) and (3), Article 2(c) and (d), and Annex I, Part A by ***31 December 2013*** at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Amendment 15

Proposal for a directive
Article 6 – paragraph 2 a (new)

	2a. Companies shall prepare their annual accounts together with all relevant tax data in eXtensible Business Reporting Language (XBRL).

Amendment 16

Proposal for a directive
Article 7

By 31 December ***2016***, the Commission shall report to the Council on the economic impact of this Directive.	By 31 December ***2015***, the Commission shall report to ***the European Parliament and to*** the Council on the economic impact of this Directive.

Amendment 17

Proposal for a directive
Article 8

This Directive shall not affect the application of domestic or agreement-based provisions which go beyond the provisions of this Directive and are designed to eliminate or mitigate the double taxation of interest and royalties.	This Directive shall not affect the application of domestic or agreement-based provisions which go beyond the provisions of this Directive and are designed to eliminate or mitigate the double taxation ***and double non-taxation*** of interest and royalties.

Wednesday 12 September 2012

Minimum standards on the rights, support and protection of victims of crime ***I

P7_TA(2012)0327

European Parliament legislative resolution of 12 September 2012 on the 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 – C7-0127/2011 – 2011/0129(COD))

(2013/C 353 E/37)

(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0275),

— having regard to Article 294(2) and Article 82(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0127/2011),

— 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 7 December 2011 ([1]),

— having regard to the opinion of the Committee of the Regions of 16 February 2012 ([2]),

— having regard to the undertaking given by the Council representative by letter of 21 June 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 joint deliberations of the Committee on Civil Liberties, Justice and Home Affairs and of the Committee on Women's Rights and Gender Equality under Rule 51 of the Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and of the Committee on Women's Rights and Gender Equality and the opinion of the Committee on Legal Affairs (A7-0244/2012),

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.

([1]) OJ C 43, 15.2.2012, p. 39.
([2]) OJ C 113, 18.4.2012, p. 56.

Wednesday 12 September 2012

P7_TC1-COD(2011)0129

Position of the European Parliament adopted at first reading on 12 September 2012 with a view to the adoption of Directive 2012/…/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2012/29/EU).

Administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues ***I

P7_TA(2012)0328

Amendments adopted by the European Parliament on 12 September 2012 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues (COM(2011)0906 – C7-0524/2011 – 2011/0445(COD)) [1]

(2013/C 353 E/38)

(Ordinary legislative procedure: first reading):

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 1
Proposal for a regulation
Recital 3

(3) In order to supplement or amend certain non-essential elements of Regulation (EC) No 774/94, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the adoption of adjustments to that Regulation, should the volumes and other conditions of quota arrangements be adjusted, in particular by a decision to ***approve*** an agreement with one or more third countries. 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.	(3) In order to supplement or amend certain non-essential elements of Regulation (EC) No 774/94, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the adoption of adjustments to that Regulation, should the volumes and other conditions of quota arrangements be adjusted, in particular by a ***Council*** decision to ***conclude*** an agreement with one or more third countries. 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. ***The Commission should provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament.***

[1] The matter was referred back to the committee responsible for reconsideration pursuant to Rule 57(2), second subparagraph (A7-0212/2012).

Wednesday 12 September 2012

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 2

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 774/94
Article 7 – paragraph 2

Those implementing acts shall be adopted in accordance with the examination procedure referred to in ***Article [323(2)] of Regulation (EU) No [/] of the European Parliament and of the Council [aligned Single CMO Regulation]*.***	Those implementing acts shall be adopted in accordance with the examination procedure referred to in ***Article 7a(2).***

Amendment 3

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 774/94
Article 7 a (new)

	Article 7a
	Committee procedure
	1. The Commission shall be assisted by the Committee for the Common Organisation of the Agricultural Markets established by Article [xx] of Regulation (EU) No [xxxx/yyyy] of the European Parliament and of the Council of … 2012 … [aligned Single CMO Regulation] (*). 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 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 …, …, p.
	(**) OJ L 55, 28.2.2011, p. 13.

Amendment 4

Proposal for a regulation
Article 1 – point 2
Regulation (EC) No 774/94
Article 8a – paragraph 2

2. The delegation of power referred to in Article 8 shall be conferred on the Commission for ***an indeterminate period of time from [insert date of entry into force of this amending Regulation].***	2. The delegation of power referred to in Article 8 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.***
	(*) Date of entry into force of this Regulation.

Wednesday 12 September 2012

TEXT PROPOSED BY THE COMMISSION	AMENDMENT
Amendment 5 **Proposal for a regulation** **Article 1 – point 2** Regulation (EC) No 774/94 Article 8a – paragraph 5	
5. A delegated act adopted pursuant to Article 8 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 ***two months*** at the initiative of the European Parliament or the Council	5. A delegated act adopted pursuant to Article 8 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

Imports of olive oil and other agricultural products from Turkey as regards the delegated and implementing powers to be conferred on the Commission ***I

P7_TA(2012)0329

Amendments adopted by the European Parliament on 12 September 2012 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulations (EC) No 2008/97, (EC) No 779/98 and (EC) No 1506/98 in the field of imports of olive oil and other agricultural products from Turkey as regards the delegated and implementing powers to be conferred on the Commission (COM(2011)0918 – C7-0005/2012 – 2011/0453(COD)) [1]

(2013/C 353 E/39)

(Ordinary legislative procedure: first reading):

TEXT PROPOSED BY THE COMMISSION	AMENDMENT
Amendment 1 **Proposal for a regulation** **Recital 5**	
5. In order to supplement or amend certain non-essential elements of Regulation (EC) No 2008/97, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the adoption of the resulting adjustments necessary for that Regulation where the present conditions of the special arrangements provided for in the Association Agreement are amended, in particular as regards the amounts, or where a new agreement is concluded. 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.	5. In order to supplement or amend certain non-essential elements of Regulation (EC) No 2008/97, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the adoption of the resulting adjustments necessary for that Regulation where the present conditions of the special arrangements provided for in the Association Agreement are amended, in particular as regards the amounts, or where a new agreement is concluded. 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. ***The Commission should provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is***

[1] The matter was referred back to the committee responsible for reconsideration pursuant to Rule 57(2), second subparagraph (A7-0209/2012).

TEXT PROPOSED BY THE COMMISSION	AMENDMENT
	duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament.

Amendment 2

Proposal for a regulation
Article 1 – point -1 (new)
Regulation (EC) No 2008/97
Recital 5 a (new)

-1. The following recital is inserted:

"Whereas, in order to ensure uniform conditions for the adoption of certain measures 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.".

Amendment 3

Proposal for a regulation
Article 1 – point -1 a (new)
Regulation (EC) No 2008/97
Recital 6

-1a. Recital 6 is replaced by the following:

"Whereas in order to supplement or amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the adoption of the resulting adjustments necessary for this Regulation where the present conditions of the special arrangements provided for in the Association Agreement are amended, in particular as regards the amounts, or where a new agreement is concluded. 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 to the Council. The Commission should provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament.".

Wednesday 12 September 2012

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 4

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 2008/97
Article 7

The Commission shall, by means of implementing acts, adopt measures necessary to implement the rules for the application of the special import arrangements laid down in this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in ***Article [323(2)] of Regulation (EU) No [xxxx/yyyy] of the European Parliament and of the Council [aligned Single CMO Regulation]****.	The Commission shall, by means of implementing acts, adopt measures necessary to implement the rules for the application of the special import arrangements laid down in this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in ***Article 7a(2).***

Amendment 5

Proposal for a regulation
Article 1 – point 1
Regulation (EC) No 2008/97
Article 7 a (new)

	Article 7a
	Committee procedure
	1. The Commission shall be assisted by the … Committee established by Article [xx] of Regulation (EU) No [xxxx/yyyy] of the European Parliament and of the Council of … [aligned Single CMO Regulation] (*). 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 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
	(**) OJ L 55, 28.2.2011, p. 13.

Amendment 6

Proposal for a regulation
Article 1 – point 2
Regulation (EC) No 2008/97
Article 8a - paragraph 2

2. The delegation of power referred to in Article 8 shall be conferred on the Commission for ***an indeterminate*** period of ***time from [insert date of entry into force of this amending Regulation].***	2. The delegation of power referred to in Article 8 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.***
	(*) Date of entry into force of this Regulation.

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 7

Proposal for a regulation
Article 1 – point 2
Regulation (EC) No 2008/97
Article 8a – paragraph 5

5. A delegated act adopted pursuant to Article 8 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 ***2 months*** at the initiative of the European Parliament or the Council.	5. A delegated act adopted pursuant to Article 8 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.

Amendment 8

Proposal for a regulation
Article 2 – point -1 (new)
Regulation (EC) No 779/98
Recital 4 a (new)

	-1. The following recital is inserted:
	"Whereas, in order to ensure uniform conditions for the adoption of certain measures 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.".

Amendment 9

Proposal for a regulation
Article 2 – point 1
Regulation (EC) No 779/98
Article 1

The Commission shall, by means of implementing acts, adopt rules necessary for the application of the import regime for products listed in Annex I to the Treaty on the Functioning on the European Union which originate in Turkey and which are imported into the Union under the conditions laid down in Decision No 1/98 of the EC-Turkey Association Council. Those implementing acts shall be adopted in accordance with the examination procedure referred to in ***Article [323(2)] of Regulation (EU) No [xxxx/yyyy] of the European Parliament and of the Council [aligned Single CMO Regulation]****.	The Commission shall, by means of implementing acts, adopt rules necessary for the application of the import regime for products listed in Annex I to the Treaty on the Functioning on the European Union which originate in Turkey and which are imported into the Union under the conditions laid down in Decision No 1/98 of the EC-Turkey Association Council. Those implementing acts shall be adopted in accordance with the examination procedure referred to in ***Article 2a(2).***

Wednesday 12 September 2012

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 10

Proposal for a regulation
Article 2 – point 1 a (new)
Regulation (EC) No 779/98
Article 2 a (new)

	1a. The following Article is inserted:
	"***Article 2a***
	Committee procedure
	1. The Commission shall be assisted by the … Committee established by Article [xx] of Regulation (EU) No [xxxx/yyyy] of the European Parliament and of the Council of … [aligned Single CMO Regulation] (*). 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 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
	(**) OJ L 55, 28.2.2011, p. 13.".

Amendment 11

Proposal for a regulation
Article 3 – point -1 (new)
Regulation (EC) No 1506/98
Recital 6 a (new)

	-1. The following recital is inserted:
	"***Whereas, in order to ensure uniform conditions for the adoption of certain measures 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.".

Wednesday 12 September 2012

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 12

Proposal for a regulation
Article 3 – point 1
Regulation (EC) No 1506/98
Article 3

The Commission shall, by means of an implementing act, confirm the termination of the suspension referred to in Article 2 once the barriers to the preferential exports from the Union to Turkey have been lifted. That implementing act shall be adopted in accordance with the examination procedure referred to in ***Article [323(2)] of Regulation (EU) No [xxxx/yyyy] of the European Parliament and of the Council [aligned Single CMO Regulation]****.	The Commission shall, by means of an implementing act, confirm the termination of the suspension referred to in Article 2 once the barriers to the preferential exports from the Union to Turkey have been lifted. That implementing act shall be adopted in accordance with the examination procedure referred to in ***Article 3a(2).***

Amendment 13

Proposal for a regulation
Article 3 – point 1 a (new)
Regulation (EC) No 1506/98
Article 3 a (new)

	1a. The following Article is inserted:
	"***Article 3a***
	Committee procedure
	1. The Commission shall be assisted by the … Committee established by Article [xx] of Regulation (EU) No [xxxx/yyyy] of the European Parliament and of the Council of … [aligned Single CMO Regulation] (*). 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 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
	(**) OJ L 55, 28.2.2011, p. 13.".

Wednesday 12 September 2012

EC-Australia agreement on mutual recognition in relation to conformity assessment, certificates and markings ***

P7_TA(2012)0330

European Parliament legislative resolution of 12 September 2012 on the draft Council decision on the conclusion of the Agreement between the European Union and Australia amending the Agreement on mutual recognition in relation to conformity assessment, certificates and markings between the European Community and Australia (12124/2010 – C7-0057/2012 – 2010/0146(NLE))

(2013/C 353 E/40)

(Consent)

The European Parliament,

— having regard to the draft Council decision (12124/2010),

— having regard to the draft Agreement between the European Union and Australia amending the Agreement on mutual recognition in relation to conformity assessment, certificates and markings between the European Community and Australia (12150/2010),

— having regard to the request for consent submitted by the Council pursuant to Article 207(4), first subparagraph and Article 218(6), second subparagraph, point (a)(v) of the Treaty on the Functioning of the European Union (C7-0057/2012),

— having regard to Rules 81 and 90(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on International Trade (A7-0211/2012),

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 and of Australia.

EC-New Zealand agreement on mutual recognition in relation to conformity assessment ***

P7_TA(2012)0331

European Parliament legislative resolution of 12 September 2012 on the draft Council decision on the conclusion of the Agreement between the European Union and New Zealand amending the Agreement on mutual recognition in relation to conformity assessment between the European Community and New Zealand (12126/2010 – C7-0058/2012 – 2010/0139(NLE))

(2013/C 353 E/41)

(Consent)

The European Parliament,

— having regard to the draft Council decision (12126/2010),

— having regard to the draft Agreement between the European Union and New Zealand amending the Agreement on mutual recognition in relation to conformity assessment between the European Community and New Zealand (12151/2010),

— having regard to the request for consent submitted by the Council pursuant to Article 207(4), first subparagraph and Article 218(6), second subparagraph, point (a)(v) of the Treaty on the Functioning of the European Union (C7-0058/2012),

— having regard to Rules 81 and 90(7) of its Rules of Procedure,

— having regard to the recommendation of the Committee on International Trade (A7-0210/2012),

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 and of New Zealand.

Measures in relation to countries allowing non-sustainable fishing for the purpose of the conservation of fish stocks ***I

P7_TA(2012)0332

European Parliament legislative resolution of 12 September 2012 on the proposal for a regulation of the European Parliament and of the Council on certain measures in relation to countries allowing non-sustainable fishing for the purpose of the conservation of fish stocks (COM(2011)0888 – C7-0508/2011 – 2011/0434(COD))

(2013/C 353 E/42)

(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0888),

— having regard to Article 294(2) and Articles 207(2) and 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0508/2011),

— 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 23 May 2012 [1],

— having regard to the undertaking given by the Council representative by letter of 27 June 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,

[1] OJ C 229, 31.7.2012, p. 112.

— having regard to the report of the Committee on Fisheries and the opinion of the Committee on Development (A7-0146/2012),

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)0434

Position of the European Parliament adopted at first reading on 12 September 2012 with a view to the adoption of Regulation (EU) No …/2012 of the European Parliament and of the Council on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 1026/2012).

Common organisation of the markets in fishery and aquaculture products ***I

P7_TA(2012)0333

European Parliament legislative resolution of 12 September 2012 on the proposal for a regulation of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products (COM(2011)0416 – C7-0197/2011 – 2011/0194(COD))

(2013/C 353 E/43)

(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0416),

— having regard to Article 294(2) and Article 42 and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0197/2011),

— 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 28 March 2012 ([1]),

— having regard to the opinion of the Committee of the Regions of 4 May 2012 ([2]),

— having regard to Rule 55 of its Rules of Procedure,

— having regard to the report of the Committee on Fisheries and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0217/2012),

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.

([1]) OJ C 181, 21.6.2012, p. 183.
([2]) OJ C 225, 27.7.2012, p. 20.

P7_TC1-COD(2011)0194

Position of the European Parliament adopted at first reading on 12 September 2012 with a view to the adoption of Regulation (EU) No …/2012 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products, amending Council Regulation (EC) No 1184/2006 and repealing Council Regulation (EC) No 104/2000

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 42 and Article 43(2) thereof,

— Having regard to the proposal from the European Commission,

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

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

— Having regard to the opinion of the Committee of the Regions ([2]),

— Acting in accordance with the ordinary legislative procedure ([3]),

([1]) OJ C 181, 21.6.2012, p. 183.
([2]) OJ C 225, 27.7.2012, p. 20.
([3]) Position of the European Parliament of 12 September 2012.

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Whereas:

(1) The scope of the Common Fisheries Policy ("CFP") extends to measures on the markets for fishery and aquaculture products in the Union. The common organisation of the markets in fishery and aquaculture products or "Common Market Organisation" ("CMO") is an integral part of the CFP and should contribute to the accomplishment of its objectives. Since the CFPolicy is being revised, the CMO should be adapted accordingly.

(2) Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products [1] needs to be revised to take account of shortcomings detected in the implementation of the provisions currently in force, recent developments in Union and world markets, and the evolution of fishing and aquaculture activities.

(2a) Fishing plays a particularly important role in the economies of the Union's coastal regions, including the outermost regions. Given that it provides fishermen in those regions with a livelihood, steps should be taken to foster market stability and a better correspondence between supply and demand. **[Am. 1]**

(3) The provisions of the CMO should be implemented in compliance with the Union's international commitments, in particular with regard to the provisions of the World Trade Organisation ("WTO"). ***Fish and shellfish are a common good. Since fishing is therefore not like other industries, it should, in particular, be regulated by measures that satisfy environmental and ecosystemic criteria, irrespective of market requirements.*** **[Am. 2]**

(3a) Since the WTO trading provisions that currently apply are working in a satisfactory way, any new proposal should seek to maintain the status quo whenever possible. However, the Commission should ensure that fisheries and aquaculture products imported from third countries fully respect sustainable fishing practices and the provisions of Union law, in order to ensure Union and imported products compete on a level playing field. **[Am. 3]**

(4) The CMO should contribute to achieving the objectives of the CFP.

(5a) In view of the large volumes of fishery and aquaculture products that are imported into the Union and the substantial proportion of overall Union consumption for which they account, it is essential for the CMO to form part of a commercial and customs policy that is geared to regulating imports and mitigating their effects on the first-sale prices paid to Union producers and the profitability of their activities. **[Am. 4]**

(5b) The greatest possible degree of consistency needs to be achieved between the CFP and the common commercial policy, with the latter policy being used systematically to further the objectives of the former, both in WTO multilateral negotiations and in connection with bilateral and regional trade agreements. **[Am. 5]**

(5c) All national agencies with responsibility for customs and health checks on fishery and aquaculture products imported into the Union should be given the human and financial resources and the tools they require to do their job properly. **[Am. 6]**

(6) It is important that the management of the CMO is guided by the principles of good governance of the CFP.

[1] OJ L 17, 21.1.2000, p. 22.

(6a) In order for the CMO to be a success, it is essential that consumers are informed, through marketing and educational campaigns, about the value of eating fish and the wide variety of species available, and told of the importance of being able to understand the information contained on labels. **[Am. 7]**

(7) Producer organisations are the key actors for the appropriate application of the CFP and the CMO. It is therefore necessary to strengthen their objectives ***and to provide the necessary financial support to allow them to play a more meaningful role in the day-to-day management of fisheries, acting within a framework defined by the CFP objectives. It is also necessary*** to ensure that their members carry out fishing and aquaculture activities in a sustainable manner, improve the placing on the market of products, ***experience an improvement in their income*** and collect economic information on aquaculture. When realising these objectives, producer organisations should take account ***of*** the different conditions of the fishery and aquaculture sectors prevailing in the Union, ***especially those in the outermost regions,*** in particular the specificities of small-scale fisheries ***and extensive aquaculture. It should be possible for Member States and regional governments to take responsibility for the implementation of those objectives, working closely with producer organisations on management issues, including, where appropriate, on the allocation of quotas and the management of fishing effort, according to the needs of each particular fishery.*** **[Am. 8]**

(7a) In order to strengthen the competitiveness and viability of producer organisations, appropriate criteria for their establishment should be clearly defined, particularly those concerning the minimum number of members and their formal recognition. **[Am. 9]**

(8) Inter-branch organisations gathering together different categories of operators may help to improve the coordination of marketing activities within the value chain and to develop measures of interest for the whole sector.

(9) It is appropriate to lay down common conditions for the recognition of producer organisations and inter-branch organisations by Member States, for extension of the rules adopted by producer organisations and inter-branch organisations, and for the costs resulting from such extension to be shared. The procedure for extension of rules should be subject to authorisation by the Commission.

(10) In order that producer organisations can steer their members towards sustainable fishery and aquaculture activities, producer organisations should define and submit to the competent authorities of the Member States a production and marketing plan with the necessary measures to fulfil their objectives.

(10a) The landing of all incidental catches and by-catches and the reduction of discards are two of the objectives of the current reform of the CFP. In order to attain those objectives, more widespread use needs to be made of selective fishing gear that will prevent under-size fish from being caught. **[Am. 165]**

(11) The unpredictability of fishing activities makes it appropriate to set up a mechanism of storing fishery products for human consumption with a view to foster greater market stability and to increase the return on products, in particular by creating added value. This mechanism should contribute to the stabilisation and convergence of the Union local markets with a view to achieving the single market.

(11a) In view of the remoteness and geographical isolation of outermost regions, a special action programme that takes account of the specific features of such regions is possible under Article 349 of the Treaty on the Functioning of the European Union ("TFEU"). **[Am. 11]**

(11b) The Commission should lay down supportive measures to foster the participation of women in aquaculture producer organisations. **[Am. 12]**

(12) Producer organisations ~~may create a collective fund~~ ***should be allocated Union financial assistance under the European Maritime and Fisheries Fund*** to finance the production and marketing plans and the storage mechanism. **[Am. 13]**

(13) In order to take account of the diversity of prices throughout the Union, each producer organisation should be entitled to propose a price to trigger the storage mechanism. This trigger price should not lead to the fixation of minimum prices which could hinder competition.

(14) As fish stocks are shared resources, their sustainable and efficient exploitation can, in certain instances, be better achieved by organisations composed of members from different Member States ***and different regions***. Therefore it is necessary ~~to foresee~~ also ***to encourage*** the possibility ~~for the setting up of~~ ***to set up*** transnational producer organisations and associations of producer organisations ~~which~~ ***at transregional level, based, where appropriate, on biogeographical regions, and at transnational level. Such organisations should be partnerships that aim to produce common and binding rules and to provide a level-playing field for all stakeholders that are engaged in the fishery. In setting up such organisations, it is necessary to ensure that they*** remain subject to competition rules as provided for in the present regulation ***and that the need is respected to maintain the link between individual coastal communities and the fisheries and waters that they have historically exploited.*** **[Am. 14]**

(15) The application of common marketing standards should permit the market to be supplied with sustainable products, to realise the full potential of the internal market in fishery and aquaculture products, and to facilitate commerce based on fair competition, thus helping to improve the profitability of production.

(16) ~~The widening variety of fishery and aquaculture products makes it essential to provide consumers with a minimum amount of mandatory~~ ***It is necessary for consumers to be provided with clear and comprehensive*** information on, ***inter alia,*** the ~~main characteristics of products. In order to promote differentiation of products, it is also necessary to take account of additional information that may be indicated on a voluntary basis~~ ***origin, method and date of production of the products in order to enable them to make informed choices.*** **[Am. 15]**

(16a) The use of an eco-label for fisheries products, originating from both inside and outside the Union offers the possibility of providing clear information on the ecological sustainability of fisheries products. It is therefore necessary for the Commission to examine the possibility of developing and establishing minimum criteria for the development of a Union-wide ecolabel for fisheries products. **[Am. 16]**

(16b) In order to safeguard European consumers, Member State authorities responsible for monitoring and enforcing the obligations laid down in this Regulation should make full use of available technology, including DNA-testing, in order to deter operators from falsely labeling catches. **[Am. 17]**

(16c) In view of the importance that consumers attach to origin and provenance, in the broad sense of those terms, when choosing between the fishery and aquaculture products available on the market, special care is to be taken to ensure that the information they are given in that respect is as accurate, clear and comprehensive as possible. **[Am. 18]**

(16d) With a view to ensuring consistency between the CFP – with particular reference to its CMO and consumer information provisions – and the common commercial policy, care should be taken to avoid excessively broad definitions of the preferential custom origin of fishery and aquaculture products, as well as any exceptions to the standard definitions that would undermine product traceability and cause confusion as to where and how a given product has been sourced. **[Am. 19]**

(17) The rules on competition relating to agreements, decisions and practices referred to in Articles 101 TFEU should apply to the production or marketing of fishery and aquaculture products, in so far as their application does not impede the functioning of the common organisation of the markets or jeopardise the attainment of the objectives of Article 39 TFEU.

(17a) It is necessary to ensure that imported products entering the Union market comply with the same requirements and marketing standards as those with which Union producers have to comply. **[Am. 20]**

(18) It is appropriate to lay down competition rules applicable to the production and marketing of fishery and aquaculture products, taking into account the specific features of the fishery and aquaculture sector, including fragmentation of the sector, the fact that fish are a shared resource and whether the amount of imports is great***, which should be governed by the same rules as Union fishery and aquaculture products***. For the sake of simplification, the relevant provisions of Council Regulation (EC) No 1184/2006 of 24 July 2006 applying certain rules of competition to the production of and trade in certain agricultural products ([1]) should be incorporated into the present regulation. Regulation (EC) No 1184/2006 should therefore no longer apply to fishery and aquaculture products. **[Am. 21]**

(19) It is necessary to improve the economic information on the markets in fishery and aquaculture products in the Union.

(20) In order to ~~supplement or amend the conditions and requirements for recognition of producers~~ ***ensure the proper functioning of producer organisations and interbranch*** organisations, as well as to establish appropriate common market standards ~~supplement or amend the content of the production and marketing plan, define and amend the common marketing standards, supplement or amend mandatory information and set minimum criteria for information voluntarily provided by operators to the consumers,~~ the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of ~~Articles 24, 33, 41 and 46~~ ***their financial support, their internal rules, the content of the production and marketing plan, as well as the definition and amendment of common marketing standards***. **[Am. 22]** 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.

(22) In order to ensure uniform conditions for the implementation of this Regulation, concerning time-limits and procedures for recognition of producer organisations and inter-branch organisations to be applied by Member States; the format, time-limits and procedure for their communications to the Commission of their decisions to grant or withdraw recognition; rules on the frequency and content of and the practical methods for checks by Member States; the format and notification procedure by Member States in the case of extension of rules; procedure and time-limits for the submission by producer organisation and approval by Member States of production and marketing plans;and the format of publication by Member State of the tigger prices, implementing powers should be conferred upon 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 of by Member States of the Commission's exercise of implementing powers ([2]).

([1]) OJ L 214, 4.8.2006, p. 7.
([2]) OJ L 55, 28.2.2011, p. 13.

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(22a) Since the objective of this Regulation, namely to lay down the common organisation of the markets in fishery and aquaculture products, cannot be sufficiently achieved by the Member States and can therefore, by reason of its scale and effects and the need for common action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty of the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(23) Regulation (EC) No 104/2000 should be repealed but in the interests of legal certainty, certain provisions therein should continue to apply until the entry into force of the Regulation on the European Fisheries and Maritime Fund.

(23a) Regulation (EC) No 1184/2006 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Chapter I

General provisions

Article 1

Subject matter

1. A common organisation of the markets in fishery and aquaculture products, hereafter "Common Market Organisation", is hereby established.

2. The Common Market Organisation ("CMO") shall comprise the following instruments:

(a) professional organisations;

(b) marketing standards;

(c) consumer information;

(d) competition rules;

(e) market intelligence;

(ea) the external dimension. **[Am. 23]**

Article 2

Scope

The CMO shall apply to the fishery and aquaculture products listed in Annex I, which are ***produced or*** marketed in the Union. **[Am. 24]**

Article 3

Objectives

The CMO shall contribute to the achievement of the objectives laid down in ~~Articles 2 and 3 of~~ the Regulation (EU) No …/20XX of … of the European Parliament and of the Council on the Common Fisheries Policy (*) ***and, in particular, provide market incentives to support more sustainable production practices, improve the market position of Union products, devise production strategies with a view to adapting the Common Fisheries Policy ("CFP") to structural market changes and short-term fluctuations, and enhance the market potential of Union products.*** **[Am. 25]**

Article 4

Principles

The CMO shall be guided by the principles of good governance ~~laid down in Article 4 of the Regulation on the Common Fisheries Policy~~ ***which it shall achieve by means of a clear definition of responsibilities at Union, national, regional and local levels, a long-term perspective, the broad involvement of operators, the responsibility of the flag State, and consistency with integrated maritime, trade and other Union policies.*** **[Am. 26]**

Article 5

Definitions

For the purposes of this Regulation, the definitions referred to in Regulation (EU) No …/20XX (**) ***and those referred to in Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy*** [1] ***and Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009*** [2] shall apply. **[Am. 27]**

The following definitions shall also apply:

(a) 'fishery products' means the aquatic organisms, resulting from any fishing activity or products derived therefrom, as listed in Annex I;

(b) 'aquaculture products' means aquatic organisms at any stage of their life cycle resulting from any aquaculture activity or products derived therefrom, as listed in Annex I;

(c) 'producer' means any natural or legal person using means of production to obtain fishery or aquaculture products with a view to their being placing on the market;

(d) 'fishery or aquaculture sector' means the sector of the economy that includes all activities of production, processing and marketing of fishery or aquaculture products;

(*) Number, date and OJ reference of Regulation of the European Parliament and the Council on the Common Fisheries Policy (2011/0195(COD)).

(**) Number of Regulation of the European Parliament and the Council on the Common Fisheries Policy. (2011/0195(COD)).

[1] ***OJ L 343, 22.12.2009, p. 1.***

[2] ***OJ L 112, 30.4.2011, p. 1.***

(da) 'unwanted catches', means catches as defined in the Regulation (EU) No …/20XX (*)**; [Am. 28]**

(e) 'making available on the market' means any supply of a fishery or aquaculture product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or not;

(f) 'placing on the market' means the first making available of a fishery or aquaculture product on the Union market.

Chapter II

Professional organisations

Section I

Establishment, objectives and measures

Article 6

Establishment of fishery producer organisations

Fishery producer organisations may be established as a group set up at the initiative of producers of fishery products in one or more Member States and recognised in accordance with Section II.

When establishing fishery producer organisations, the specific situation of small-scale inshore fishery and non-industrial fishery producers shall be taken into account, so that, in particular, those producers benefit from positive discrimination as regards access to aid for the establishment of producer organisations. **[Am. 29]**

Article 7

Objectives of fishery producer organisations

Fishery producer organisations shall pursue the following objectives:

(a) promoting the viable ***and sustainable*** fishing activities of their members in full compliance with the conservation, ***management and exploitation*** policy laid down in the Regulation (EU) No …/20XX (*) and ***in*** environmental legal acts of the Union**; [Am. 30]**

(aa) planning the production of their members and advising Member States and regional authorities concerning fisheries management issues as well as sharing the best practices developed by Union vessels; **[Am. 31]**

(ab) contributing to food supply and maintaining and creating jobs in coastal and rural areas, including vocational training and cooperation programmes to encourage young people to enter the sector and ensuring a fair standard of living for those engaged in fisheries; **[Am. 32]**

(b) ~~handling~~ ***avoiding, minimising and making the best use of*** unwanted catches of commercial stocks ***without creating a substantial market for such catches***; **[Am. 33]**

(*) Number of Regulation of the European Parliament and the Council on the Common Fisheries Policy. (2011/0195(COD)).

(ba) contributing towards the elimination of illegal unreported and unregulated fishing practices by applying such internal controls on members as may be necessary; **[Am. 34]**

(bb) reducing the environmental impact of fishing, including by implementing measures to improve the selectivity of fishing gears, to control effort and to avoid unwanted and unauthorised catches; **[Am. 35]**

(bc) managing the resource access rights assigned to their members in accordance with the provisions of Chapter IV of the Regulation (EU) No …/20XX (*)***;*** **[Am. 36]**

(c) improving the conditions for the placing on the market of their members' fishery products;

(d) stabilising the markets;

(e) improving ***the*** profitability of producers ***and improving the income of fishing operators***; **[Am. 37]**

(ea) ensuring the traceability of fishery products and improving the access to clear and comprehensive information for consumers in order to help enhance the understanding of the conservation status of marine ecosystems and fishery resources, as well as educating consumers as to the wide variety of species available for consumption; **[Am. 38]**

(eb) promoting the use of Information Communications Technology ("ICT") to ensure improved marketing and higher prices for fisheries products. **[Am. 39]**

Article 8

Measures deployable by fishery producer organisations

Fishery producer organisations ~~may~~ make use***, inter alia,*** of the following measures to achieve the objectives set out in Article 7: **[Am. 41]**

(a) planning ***the management of*** the fishing activities of their members***, including developing and implementing measures to improve the selectivity of fishing activities and advising the Member States and regional authorities of the aforementioned management plans***; **[Am. 42]**

(b) making the best use of ***and assisting their members to avoid and minimise*** unwanted catches of commercial stocks ~~by:~~

— ~~disposing of landed products which do not conform to the minimum marketing sizes referred to in Article 39 (2)(a) for uses other than human consumption;~~

— ~~placing on the market of landed products which conform to the minimum marketing sizes referred to in Article 39 (2)(a);~~

— ~~distributing landed products free of charge to philanthropic or charitable purposes~~; **[Am. 43 and 44]**

(*) Number of Regulation of the European Parliament and the Council on the Common Fisheries Policy (2011/0195(COD)).

(c) adjusting production to market requirements;

(d) channelling the supply and the marketing of their members' products;

(e) managing temporary storage for fishery products in conformity with Articles 35 and 36;

(f) controlling and taking measures for compliance of their members' activities with the rules established by the producer organisation;

(fa) improving quality, knowledge and transparency of production and the market; conducting studies to improve planning and management activities and supporting professional programmes to promote sustainable fisheries products; **[Am. 46]**

(fb) sending information voluntarily to the competent Member State authorities on the conservation status of marine ecosystems and fishery resources at such intervals, and by such means, as are considered to be appropriate; **[Am. 47]**

(fc) managing their members' fishing opportunities on a collective basis; **[Am. 48]**

(fd) promoting consumer access to clear and comprehensive information on fisheries products. **[Am. 49]**

Article 9

Establishment of aquaculture producer organisations

Aquaculture producer organisations may be established as a group set up at the initiative of producers of aquaculture products in one or more Member States and recognised in accordance with Section II.

Article 10

Objectives of aquaculture producer organisations

Aquaculture producer organisations shall pursue the following objectives:

(a) promoting the ***viable and economically, socially and environmentally*** sustainable aquaculture activities of their members***, and the benefits of organic aquaculture,*** whilst providing opportunities for their development; ***in close cooperation with the Member States and regional authorities and in accordance with Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy*** [1] ***and Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora*** [2]***, within the legal framework established within each Member State, or part thereof;*** **[Am. 151]**

(aa) ensuring that aquaculture feed products of fishery origin come from fisheries that are sustainably managed; **[Am. 52]**

[1] ***OJ L 164, 25.6.2008, p. 19.***
[2] ***OJ L 206, 22.7.1992, p. 7.***

(b) contributing to food supply***, observing high food quality*** and ***safety standards, whilst contributing to*** employment in coastal and rural areas; **[Am. 53]**

(c) ascertaining that the activities of their members are consistent with the strategic national plans referred to in Article 51 of the Regulation (EU) No …/20XX (*);

(d) improving the conditions for the placing on the market of members' aquaculture products;

(da) stabilising the markets; **[Am. 54]**

(e) improving ***the*** profitability of producers ***and the income of workers in the sector while improving their working conditions***; **[Am. 55]**

(ea) undertaking programmes to promote the continuous improvement of environmental and sustainable aquaculture products and activities, as well as professional and vocational training and actions to ensure a fair standard of living for those engaged in aquaculture activities and to reduce and minimise harmful impacts over the entire production chain; **[Am. 56]**

(eb) promoting any other activities that are in the interests of members of the producer organisation and developing or improving the operation of the sector to allow producer organisations to pursue objectives not specified in this Article; **[Am. 57]**

(ec) facilitating consumer access to information on aquaculture products; **[Am. 58]**

(ed) using, where possible, ICT to ensure that the best possible price for products is achieved. **[Am. 59]**

Article 11

Measures deployable by aquaculture producer organisations

Aquaculture producer organisations ***may*** make use***, inter alia,*** of the following measures to achieve the objectives referred to in Article 10: **[Am. 60]**

(a) promotion of responsible***, extensive*** and sustainable aquaculture, notably in terms of environment protection, animal health and animal welfare; **[Am. 61]**

(aa) planning the management of the aquaculture activities of their members; **[Am. 62]**

(b) adjusting production to market requirements;

(c) channelling the supply***, price stabilisation*** and the marketing of members' products; **[Am. 63]**

(ca) managing temporary storage for aquaculture products in accordance with Articles 35 and 36; **[Am. 64]**

(*) Number of Regulation of the European Parliament and of the Council on the Common Fisheries Policy (2011/0195(COD)).

(d) controlling and taking measures for compliance of their members' activities with the rules established by the producer organisation;

(e) collecting information on ***the environment and on*** the marketed products including economic information on first sales, and on production forecasts; **[Am. 65]**

(ea) improving quality, knowledge and transparency of production and the market; conducting studies to improve planning and management activities and supporting professional programmes to promote sustainable aquaculture products; **[Am. 66]**

(eb) promoting consumer access to clear and comprehensive information on aquaculture products; **[Am. 67]**

(ec) promoting aquaculture products by exploiting the potential of certification, in particular that of protected designations of origin and sustainability merits. **[Am. 68]**

Article 12

Establishment of associations of producer organisations

1. An association of fishery or aquaculture producer organisations may be established as a group set up at the initiative of producer organisations recognised in one or more Member States.

2. The provisions of this Regulation applicable to producer organisations shall apply to associations of producer organisations unless otherwise stated.

Article 13

Objectives of associations of producer organisations

Associations of fishery or aquaculture producer organisations shall pursue the following objectives:

(a) performing, in a more ***sustainable and*** efficient manner, any of the objectives of the member producer organisations laid down in Articles 7 and 10; **[Am. 69]**

(b) coordinating and developing activities of common interest for the member producer organisations***, including the improved marketing of products for consumers***; **[Am. 70]**

(ba) complying with all measures aimed at ensuring, for each Member State, relative stability of fishing activities for each fish stock or fishery. **[Am. 71]**

Article 13a

Financing of associations of producer organisations.

1. The European Maritime and Fisheries Fund may contribute financially towards the establishment and/or development of associations of producer organisations.

2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 50, laying down detailed rules concerning such financial support. **[Am. 72]**

Article 14

Establishment of inter-branch organisations

Inter-branch organisation may be established as a group set up at the initiative of operators of fishery and aquaculture products in one or more Member States and recognised in accordance with Section II.

Article 15

Objectives of inter-branch organisations

Inter-branch organisations shall pursue the following objectives:

(a) improving the conditions for making available on the market Union fishery and aquaculture products;

(b) helping to better coordinate the placing on the market and the making available on the market of Union fishery and aquaculture products.

Article 16

Measures deployableby inter-branch organisations

Inter-branch organisations may make use of the following measures to achieve the objectives referred to in Article 15:

(a) drawing up standard contracts which are compatible with Union law;

(b) promoting Union fishery and aquaculture products in a non-discriminatory manner by using the potential of certification, in particular that ***of*** designations of origin, quality seals, geographical designations and sustainability merits***, and providing for Union products to be clearly identified by comparison with imported products***; **[Am. 73]**

(c) laying down rules on the production and marketing of fishery and aquaculture products which are stricter than those laid down in Union legal acts or national legislation;

(d) improving the quality of, the knowledge of and the transparency of production and of the market***, as well as providing professional and vocational training programmes to encourage and promote product quality, traceability, food safety and research and development initiatives***; **[Am. 74]**

(e) performing research and market studies, and developing techniques to optimise the operation of the market, including ICT;

(f) providing the information and carrying out the research needed to deliver sustainable supplies at the amount, quality and price to satisfy market requirements and consumer expectations;

(fa) promoting, to consumers, species obtained from healthy fish stocks with appreciable nutritional value that are currently not marketable; **[Am. 75]**

(g) checking and, where necessary, taking appropriate measures to ensure that their members' activities comply with the rules established by the inter-branch organisation.

Section II

Recognition

Article 17

Recognition of producer organisations

1. Member States may recognise as fishery or aquaculture producer organisations all fishery or aquaculture producer groups which apply for such recognition, on condition that:

(a) they are sufficiently active economically in their territory or a part thereof, in particular as regards the number of members and volume of marketable production that they have;

(b) they have legal personality under the national law of a Member State and have their official headquarters and are established on its territory;

(c) they are capable of pursuing the objectives laid down in Articles 7 and 10;

(d) they comply with the competition rules laid down in ~~Chapter VI~~ ***Chapter V***; **[Am. 76]** and

~~(e) they may not hold a dominant position on a given market unless necessary in pursuance of the goals of article 39 of the Treaty.~~ **[Am. 77]**

(ea) they demonstrate transparency with regard to their membership, governance and sources of funding. **[Am. 78]**

1a. Member States may set additional conditions for the recognition of a producer organisation. **[Am. 79]**

1b. Producer organisations recognised under Regulation (EC) No 104/2000 are deemed to be recognised under this Regulation. **[Am. 80]**

1c. Measures should be taken to ensure that the participation of small scale fisheries in producer organisations is appropriate and representative. **[Am. 81]**

Article 18

Recognition of inter-branch organisations

1. Member States may, taking into account Union rules especially those concerning competition, recognise as inter-branch organisations all groups established on their territory which make an appropriate application, on condition that such groups:

(a) represent ~~a significant share of at least two of the following activities,~~ in a given area ~~or areas:~~***, a significant share of the*** production, ~~marketing and~~ processing ***or marketing*** of fishery and aquaculture products or products processed from fishery and aquaculture products ***that are being fished by Union vessels or aquacultivated within Member States***; **[Am. 82]**

(b) are not themselves engaged in the production, processing or marketing of fishery and aquaculture products or products processed from fishery and aquaculture products;

(c) have legal personality under the national law of a Member State and have their official headquarters and are established on its territory;

(d) can carry out the objectives laid down in Article 15;

(e) take into account the interest of consumers; and

(f) do not hinder the sound operation of the CMO.

1a. Existing interbranch organisations that fulfil all of the conditions set out in this Article may also be deemed to be recognised, even if established by executive act or by operation of law. **[Am. 83]**

Article 19

Checks and withdrawal of recognition by Member States

Member States shall carry out checks at regular intervals to ascertain whether producer organisations, ***associations of producer organisations*** and inter-branch organisations comply with the conditions for recognition laid down in Articles 17 and 18 and, where appropriate, shall withdraw recognition thereof. **[Am. 84]**

Article 20

Transnational producer organisations, associations of producer organisations and inter-branch organisations

Member States whose nationals are members of a producer organisation, ***association of producer organisations*** or inter-branch organisation established on the territory of another Member State and those Member States hosting the official headquarters of an association of producer organisations recognised in different Member States shall establish, in collaboration with the relevant Member States, the administrative cooperation necessary to enable checks on the activities of the organisation or the association concerned to be carried out. **[Am. 85]**

Article 21

Allocation of fishing opportunities

A producer organisation the members of which are nationals of different Member States or an association of producer organisations recognised in different Member States shall perform its tasks without prejudice to the provisions governing the allocation of fishing opportunities among Member States in accordance with Article 16 of the Regulation (EU) No …/20XX (*).

Article 22

Communication to the Commission ***and publication of the list of producer organisations*** **[Am. 87]**

~~Member States shall communicate to~~ The Commission ~~by electronic means any decision to grant or withdraw the~~ ***shall publish, at the beginning of every year, a list of the producer organisations recognised in the preceding year and of the organisations whose*** recognition ***was withdrawn during that year***. **[Am. 88]**

(*) Number of Regulation of the European Parliament and the Council on the Common Fisheries Policy. (2011/0195(COD)).

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Article 23

Checks by the Commission

In order to ensure compliance with the conditions for recognition of producer organisations or inter-branch organisations laid down in Articles 17 and 18, the Commission may carry out checks and ~~may~~ ***shall***, where appropriate, request that Member States withdraw the recognition of producer organisations or inter-branch organisations. **[Am. 89]**

Article 24

Delegated acts

The Commission shall be empowered to adopt delegated acts, in accordance with Article 50 ~~to~~, ***laying down rules on the internal functioning of producer organisations or inter-branch organisations, their rules of association, the financial and budgetary provisions that apply to them, the obligations of their members and the enforcement of such rules, including the penalties to be imposed.*** **[Am. 90]**

~~(a) amend or supplement the conditions for the recognition referred to in Articles 17 and 18. Those rules may concern the internal functioning of producer organisation or inter branch organisations, their rules of association, financial and budgetary provisions, obligations for their members and enforcement of the application of their rules including penalties;~~ **[Am. 91]**

~~(b) lay down rules concerning the frequency, content and practical methods of the checks to be carried out by the Member States in accordance with Article 20 and 21.~~ **[Am. 92]**

Article 25

Implementing acts

1. The Commission shall adopt implementing acts concerning:

(a) the time-limits and procedures to be applied by Member States for the recognition of producer organisations and inter-branch organisations pursuant to Articles 17 and 18 or for the withdrawal of such recognition pursuant to Article 19;

(b) the format, time-limits and procedures to be applied by Member States for the comunication to the Commission of any decision to grant or withdraw the recognition pursuant to Article 22;

(ba) the rules on the frequency, content and practical methods of the checks to be carried out by the Member States in accordance with Article 20. **[Am. 93]**

2. The implementing acts referred to in paragrah 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 51.

Section III

Extension of Rules

Article 26

Extension of rules of producer organisations ***and associations of producer organisations*** **[Am. 94]**

1. A Member State may make rules that are agreed within a producer organisation ***or association of producer organisations*** binding on producers who are not members of the organisation ***or association*** and who market any of the products covered by such producer organisation ***or association of producer organisations*** within the area in which that producer organisation ***or association of producer organisations*** is representative on condition that: **[Am. 95]**

(a) the producer organisation ***or association of producer organisations*** is considered to be representative of production and marketing***, including, where relevant, the small scale and artisanal sector,*** in one Member State and makes an application to the competent national authorities; **[Am. 96]**

(b) the rules to be extended concern one or more of the measures for producer organisations laid down in Article 8(a) to (e); and

(ba) the rules governing free competition between undertakings are upheld. **[Am. 97]**

2. For the purposes of paragraph 1(a), a fishery producer organisation is deemed representative where it accounts for at least ~~65 %~~ ***30 %*** of the quantities marketed of the relevant product during the previous year in the area where it is proposed to extend the rules. **[Am. 98]**

~~3. For the purposes of paragraph 1(a) an aquaculture producer organisation is considered to be representative where it covers at least 40 % of the quantities marketed of the relevant product during the previous year in the area where it is proposed to extend the rules.~~ **[Am. 99]**

4. The rules to be extended to non-members shall apply for a period of between ~~90 days~~ ***30 days*** and 12 months. **[Am. 100]**

Article 27

Extension of rules of inter-branch organisations

1. A Member State may make some of the agreements, decisions or concerted practices agreed on within an inter-branch organisation binding in a specific area or in specific areas on other operators who do not belong to the organisation on condition that:

(a) the inter-branch organisation accounts for at least 65 % of at least two of the following activities: production, marketing or processing of the relevant product during the previous year in the area or areas concerned of a Member State, and makes an application to the competent national authorities; and

(b) the rules to be extended to other operators concern any of the measures for inter-branch organisations laid down in Article 16(a) to (f) and do not cause any damage to other operators in the Member State concerned or in the Union.

2. The extension of rules shall apply for no more than three years.

Article 28

Liability

When rules are extended to non-members pursuant to Articles 26 and 27, the Member State concerned may decide that non-members shall pay to the producer organisation or the inter-branch organisation the equivalent of all or part of the costs paid by members resulting from the application of the extension of rules.

Article 29

Authorisation by the Commission

1. Member States shall notify the Commission of the rules which they ~~intend~~ ***decide*** to make binding on all producers or operators in a specific area or in specific areas pursuant to Articles 26 and 27. **[Am. 101]**

2. The Commission shall adopt a decision authorising the extension of the rules notified by a Member State provided that:

(a) the provisions of Articles 26 and 27 are complied with;

(b) Chapter VI on competition rules is complied with;

(c) the extension does not jeopardise free trade; and

(d) the objectives laid down in Article 39 TFEU are not compromised.

3. Within ~~two months~~ ***15 days*** of receipt of the notification, the Commission shall take a decision authorising or refusing to authorise the extension of rules and shall inform the Member States thereof. Where the Commission has not taken a decision within the ~~two-month~~ ***15 day*** period, the extension of rules shall be deemed to have been authorised by the Commission. **[Am. 102]**

Article 30

Withdrawal of authorisation

The Commission may carry out checks and and may withdraw the authorisation of extension of rules in case it establishes that any of the requirements for the authorisation is not met. The Commission shall inform the Member States thereof.

Article 31

Implementing acts

The Commission shall adopt implementing acts laying down rrules concerning the format and procedure of notification mentioned in Article 29(1). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51.

Section IV

Production and marketing planning

Article 32

Production and marketing plan

1. ***In accordance with guidelines received from the Commission,*** each producer organisation shall submit a production and marketing plan to their competent national authorities describing how they intend to fulfil the objectives laid down in ~~Article 3~~ ***Articles 3, 7 and 10***. **[Am. 103]**

2. The Member State shall approve the plan. Once approved, the producer organisation shall immediately implement the plan.

3. Producer organisations may revise the production and marketing plan and the revision shall be communicated for approval to the competent authorities of the Member State.

4. The producer organisation shall establish an annual report of its activities under the production and marketing plan referred to in paragraph 1, and shall submit it to the competent authorities of the Member State.

5. Member States shall carry out checks to ensure that each producer organisation fulfils the obligations provided for in this Article. Where a Member State makes ***a finding of non-compliance, it may decide to withdraw the recognition***. **[Am. 104]**

Article 33

Delegated acts

The Commission shall be empowered to adopt delegated acts, in accordance with Article 50, laying down rules concerning the content of the production and marketing plan referred to in Article 32(1).

Article 34

Implementing acts

The Commission shall adopt implementing acts laying down the rules of procedure and time-limits for the submission by producer organisations and the approval by Member States of the production and marketing plan referred to in Article 32. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51.

Section V

Stabilisation of the markets

Article 35

Storage mechanism

Producer organisations may ~~finance~~ ***co-finance*** the storage of fishery products listed in Annex II, provided that: **[Am. 105]**

(a) the products have been put up for sale by producer organisations but a buyer for them has not been found at the trigger price referred to in Article 36;

(b) the products meet the marketing standards adopted under Article 39 and are of adequate quality for human consumption;

(c) the products are stabilised or processed and stored by way of freezing, either on board vessels or in land facilities, salting, drying, marinating, and, where relevant, boiling and pasteurisation. Filleting or cutting-up and, where appropriate, heading, may accompany one of the previous processes;

(d) the products stored are reintroduced onto the market for human consumption at a later stage; and

(da) the minimum and maximum period for financing the storage of fishery products listed in Annex II is clearly laid down. **[Am. 106]**

Article 36

Prices triggering the storage mechanism

1. Before the beginning of each year, each producer organisation may individually make a proposal for a price triggering the storage mechanism referred to in Article 35 for the fishery products listed in Annex II ***and for aquaculture products***. **[Am. 107]**

2. The trigger price may not exceed 80 % of the weighted average price recorded for the product in question in the area of activity of the producer organisation concerned during the three years immediately preceding the year for which the trigger price is fixed.

3. When determining the trigger price, account shall be taken of:

(a) trends in production and demand;

(b) the stabilisation of market prices;

(c) convergence of the markets;

(d) the incomes of producers; and

(e) the interests of consumers.

4. Member States shall, upon examining the proposals of the producer organisations recognised in their territory, determine the trigger prices to be applied by the producer organisations. These prices shall be fixed on the basis of the criteria referred to in paragraphs 2 and 3. The prices shall be made publicly available.

Article 37

Implementing acts

The Commission shall adopt implementing acts laying down rules concerning the format of publication by Member States of the trigger prices pursuant to Article 36(4). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 51.

Section VI

Collective Fund

Article 38

Collective fund

-1. The creation, restructuring and implementation of plans to improve the standards of producer organisations and their associations shall be funded from the European Maritime and Fisheries Fund. **[Am. 108]**

1. ~~Each producer organisation may create a collective fund, which shall be used only~~ ***The European Maritime and Fisheries Fund may be used*** to finance the following measures: **[Am. 109]**

(a) production and marketing plans approved by Member States in accordance with Article 32;

(b) storage mechanism set up in accordance with Articles 35 and 36.

1a. Funding for the instruments included in the CMO, including the Collective Fund, shall be carried out through the European Maritime and Fisheries Fund, without prejudice to the co-financing rates set. **[Am. 110]**

Chapter III

Marketing standards

Article 39

Establishment of marketing standards

1. Common marketing standards may be established for the products listed in Annex I***, regardless of their origin (Union or imported),*** intended for human consumption. **[Am. 111]**

2. The standards referred to in paragraph 1 may, in particular, relate to:

(a) minimum marketing sizes, set taking into account the best available scientific advice and in conformity with conservation reference sizes for fishery products as referred to in ~~Article 15(3)~~ ***Article 15(2)*** of the Regulation (EU) No …/20XX (*); **[Am. 112]**

(aa) classification by quality, size or weight, as well as presentation; **[Am. 113]**

(b) specifications of canned products in accordance with conservation requirements and international obligations.

3. Paragraphs 1 and 2 shall apply without prejudice to:

(a) Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ([1]);

(b) Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing ([2]); and

(c) Regulation (EC) No 1224/2009.

Article 40

Compliance with marketing standards

1. The products for which marketing standards have been laid down may be marketed for human consumption in the Union only in accordance with those standards. ***This rule shall also apply to all imported fishery and aquaculture products.*** **[Am. 114]**

2. Member States shall check whether the products subject to common marketing standards comply with those standards. The checks may take place at all marketing stages and during transport.

3. All fishery products landed, including those not complying with marketing standards, may, at the responsibility of the Member States, be distributed free of charge to philanthropic or charitable institutions established in the Union or to persons who are recognised by the legislation of the Member State concerned to be entitled to public assistance.

(*) Number of Regulation of the European Parliament and the Council on the Common Fisheries Policy. (2011/0195(COD)).

([1]) OJ L 139, 30.4.2004, p. 55.

([2]) OJ L 286, 29.10.2008, p. 1.

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Article 40a

Health and hygiene standards

In order to avoid unfair competition in the Union market, imported products shall meet exactly the same health and hygiene standards as those required of Union products and shall be subject to the same controls, including total traceability. The rigorousness of checks carried out both at the borders and at points of origin shall be such as to guarantee proper compliance with these requirements. **[Am. 116]**

Article 41

Delegated acts

The Commission shall be empowered to adopt delegated acts, in accordance with Article 50, defining the common marketing standards referred to in Article 39(1) with regard to quality, size or weight, packing, presentation and labelling, and, if experience gained in the use of those standards so requires, amending them, while ensuring that the standards are defined in a fair and transparent manner.

Chapter IV

Consumer information

Article 42

Mandatory information

1. Irrespective of their ***geographical*** origin, the fishery and aquaculture products referred to in points (a), (b), (c) and (e) of Annex I which are marketed within the Union may only be offered for retail to the final consumer where ***the*** appropriate marking or labelling ~~indicates:~~ ***includes the mandatory food information specified in Chapter IV of Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers*** [1]***.***

1a. The marking or labelling shall also indicate the following: **[Am. 117]**

(a) the commercial designation of the species;

(b) the production method, in ~~particulare~~ ***particular*** by the following words "… caught …" or "… caught in freshwater …" or "… farmed …" ***including, for capture fisheries, the gear type used, as defined in Annex XI to Implementing Regulation (EU) No 404/2011***; **[Am. 167]**

(c) ***specific fish stock and*** the area where the product was caught or farmed; **[Am. 118]**

(d) ***for products which are to be sold fresh,*** the date of ~~catch~~ ***landing*** of fishery products or the date of harvest of aquaculture products; **[Am. 119]**

(e) ~~whether the product is fresh or has been defrosted~~ ***the words 'defrosted product' for frozen products directly placed on sale as fresh goods, as attested by a quality control grading, without prejudice to Annexes V and VI to Regulation (EU) No. 1169/2011 and Article 68(3) and (4) of Implementing Regulation (EU) No 404/2011.*** **[Am. 120]**

[1] ***OJ L 304, 22.11.2011, p. 18.***

~~2. Fishery and aquaculture products referred to in parts (h) and (i) of Annex I, which are marketed within the Union, irrespective of their origin, may only be offered for retail to the final consumer where appropriate marking or labelling indicates:~~

~~(a) the commercial designation of the species;~~

~~(b) the production method, in particular by the following words "… caught …" or "… caught in freshwater …" or "… farmed …";~~

~~(c) the area where the product was caught or farmed;~~ **[Am. 121]**

3. The information referred to in paragraph 1a shall be displayed in a clear and distinct manner.

4. Paragraphs 1a and 3 shall apply without prejudice to:

(a) Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ([1]);

(b) Council Regulation (EEC) No 2136/89 of 21 June 1989 laying down common marketing standards for preserved sardines ([2]);

(c) Council Regulation (EEC) No 1536/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito ([3]);

(ca) Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ([4])***.*** **[Am. 122]**

Article 42a

Eco-labelling reporting

After consulting stakeholders, the Commission shall, by 1st January 2015, submit to the European Parliament and to the Council a report, accompanied by a proposal, for the establishment of a Union wide eco-label scheme for fisheries products. The report shall examine potential minimum requirements for obtaining approval for the use of such eco-labels. **[Am. 123]**

Article 43

Commercial designation

For the purposes of Article 42(1a)(a), the Member States shall draw up and publish a list of the commercial designations accepted on their territory. The list shall indicate:

(a) the scientific name for each species ~~according to the FishBase Information System~~; **[Am. 124]**

([1]) OJ L 109, 6.5.2000, p. 29.
([2]) OJ L 212, 22.7.1989, p. 79.
([3]) OJ L 163, 17.6.1992, p. 1.
([4]) ***OJ L 93, 31.3.2006, p. 12.***

(b) its name in the official language or languages of the Member State;

(c) where applicable, ***in addition to those referred to in points (a) and (b),*** any other name or names ***that are*** accepted or permitted locally or regionally. **[Am. 125]**

Article 44

Indication of the catch, ***rearing*** or ~~**production**~~ ***cultivation*** area [Am. 126]

1. The indication of ~~the catch or production area~~ ***the provenance of the product, namely where it was caught or reared,*** in accordance with Article 42(1a)(c), shall consist of the following: **[Am. 127]**

(a) in the case of fishery products caught at sea:

(i) the name of one of the areas, subareas or divisions listed in the FAO Fishing Areas***, including its coastal and geographical denomination, expressed in terms understandable to consumers***; **[Am. 128]**

(ii) details of whether the products were caught inside or outside Union waters; **[Am. 129]**

(iii) details of the flag State of the vessel that caught the products; **[Am. 130]**

(b) in the case of fishery products caught in freshwater, a reference to the ***body of water of origin in the*** Member State or third country of provenance of the product; **[Am. 131]**

(c) in the case of aquaculture products, a reference to the Member State or third country in which the product undergoes a final stage of the farming process or cultivation stage of at least three months.

2. ***Without prejudice to Regulation (EC) No 510/2006,*** operators may, in addition to the information referred to in paragraph 1, indicate a more precise catch or production area. **[Am. 132]**

Article 45

Additional voluntary information

1. In addition to the mandatory information required pursuant to Article 42, the following information may be provided on a voluntary basis***, on condition that it is clear and unambiguous***: **[Am. 133]**

(-a) the date of catch of fishery products or date of harvest of aquaculture products; **[Am. 134]**

(a) information on the environment;

(b) information on ethical or social issues;

(c) information on production techniques;

(d) information on production practices;

(e) information on the nutritional content of the product;

(ea) information on the port at which the product was landed; **[Am. 135]**

(eb) the date of catch of fishery products or harvest of aquaculture products for which there is no requirement to display this information in accordance to Article 42. **[Am. 136]**

2. Voluntary information shall not be displayed to the detriment of the space available for mandatory information on the marking or labelling.

2a. No voluntary information shall be included that cannot be verified. **[Am. 137]**

3. Paragraph 1 shall apply without prejudice to the following legal acts of the Union:

(a) Directive 2000/13/EC;

(b) Regulation (EU) No 1169/2011;

(c) Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on food ([1]);

(d) Regulation (EC) No 510/2006;

(e) Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed ([2]); and

(f) Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products ([3]).

~~Article 46~~

~~Delegated acts~~

~~The Commission shall be empowered to adopt delegated acts in accordance with Article 50, in order to~~

~~(a) supplement or amend the mandatory information requirements referred to in Article 42(1), Article 42(2), Article 43 and Article 44, while ensuring that the mandatory information is performed in an accurate and transparent manner;~~

~~(b) set minimum criteria for information voluntarily provided by operators referred to in Article 45(1), while ensuring that the conditions for displaying voluntary information are accurate, transparent and non-discriminatory.~~ **[Am. 138]**

Chapter V

Competition rules

Article 47

Application of competition rules

Articles 101 to 106 TFEU and the appropriate regulations or directives to give effect to them shall apply to agreements, decisions and practices referred to in Articles 101(1) and 102 TFEU which concern the production or marketing of fishery and aquaculture products.

([1]) OJ L 404, 30.12.2006, p. 9.
([2]) OJ L 93, 31.3.2006, p. 1.
([3]) OJ L 189, 20.7.2007, p. 1.

Article 48

Exceptions to the application of competition rules

1. Notwithstanding Article 47 of this Regulation, Article 101(1) TFEU shall not apply to agreements, decisions and practices of producer organisations which concern the production or marketing of fishery and aquaculture products, or the use of joint facilities for the storage, treatment or processing of fishery and aquaculture products, on condition that:

(a) are necessary to attain the objectives set out in Article 39 TFEU;

(b) do not imply any obligation to charge identical prices;

(c) do not lead to the partitioning of markets in any form within the Union;

(d) do not exclude competition; and

(e) do not jeopardise the achievement of the objectives of Article 39 TFEU.

2. Notwithstanding Article 47 of this Regulation, Article 101(1) TFEU shall not apply to agreements, decisions and practices of inter-branch organisations which:

(a) are necessary to attain the objectives set out in Article 39 TFEU;

(b) do not entail any obligation to apply a fixed price;

(c) do not lead to the partitioning of markets in any form within the Union;

(d) do not apply dissimilar conditions to equivalent transactions with other trading partners, thereby placing them at a competitive disadvantage;

(e) do not eliminate competition in respect of a substantial proportion of the products in question; and

(f) do not restrict competition in ways which are not essential for the achievement of the goals of the CFP.

Chapter VI

Market intelligence

Article 49

Market Intelligence

1. The Commission shall:

(a) ~~gather, analyse and disseminate economic knowledge and understanding of the Union market for fishery and aquaculture products along the supply chain, taking into account the international context~~ ***provide financial and practical support to producer organisations to help them create electronic nationwide databases and markets in order to better coordinate information between market operators and processors***; **[Am. 139]**

(b) survey prices regularly along the Union supply chain for fishery and aquaculture products and conduct analyses on market trends***, and make the findings of those surveys and analyses public***; **[Am. 140]**

(c) provide ad-hoc market studies and a methodology for price formation surveys;

(ca) undertake to devise a Union-wide campaign in order to ensure that consumers are aware of the huge variety of fish species landed in ports across the Union, and to inform citizens of the Union of the different periods when certain species are in season, together with promotional campaigns concerning the new labelling measures being introduced; **[Am. 141]**

(cb) undertakes to ensure that in primary- and second-level schools across the Union, information campaigns are carried out so that younger citizens and their teachers are aware of the benefits of consuming fish, and of the huge variety of species of fish which are available for consumption. **[Am. 142]**

2. In order to achieve the objectives referred to in paragraph 1, the Commission shall make use of the following measures:

(a) the facilitation of access to available data on fishery and aquaculture products collected pursuant to the legal acts of the Union;

(b) the making available of ***adequate*** market information to ~~the adequate level to~~ ***all*** stakeholders, ***including making such information available to consumers in an accessible and understandable manner***. **[Am. 143]**

3. Member States shall contribute to achieve the objectives referred to in paragraph 1.

Chapter VII

Procedural provisions

Article 50

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 Articles 13a, 24, 33 and 41 shall be conferred on the Commission for an indeterminate period of time from … (*).

3. The delegation of power referred to in Articles 13a, 24, 33 and 41 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 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 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.

(*) Date of entry into force of the present regulation.

5. A delegated act adopted pursuant to Articles 13a, 24, 33 and 41 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 two months at the initiative of the European Parliament or the Council.

Article 51

Committee procedure

1. The Commission shall be assisted by a 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.

Chapter VIII

Final provisions

Article 52

Amendment to Regulation (EC) No 1184/2006

In Article 1 of Regulation (EC) No 1184/2006 the following words are added:

"and Regulation (EU) No … of the European Parliament and of the Council, of … on the common organisation of the markets in fishery and aquaculture products (*) (+).

(*) OJ …".

Article 52a

Transitional measures

Without prejudice to Chapter IV, fishery and aquaculture products, and their packaging, marked or labelled prior to … (*) ***may be marketed and sold until such stocks have been exhausted. [Am. 144]***

Article 53

Repeal

Regulation (EC) No 104/2000 is hereby repealed. However Articles 9, 10, 11, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 34, 35, 36, 37, 38 and 39 shall apply until 31 December 2013.

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

Article 54

Review

The Commission shall report to the European Parliament and the Council on the results of the application of this Regulation before the end of ~~2022~~ ***2019***. **[Am. 145]**

(+) Number and date of this Regulation.
(*) ***Date of entry into force of this Regulation.***

Article 55

Entry into force

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

It shall apply from ~~1 January 2013 with the exception of Articles 32, 35 and 36, which shall apply from 1 January 2014~~ ***1 January 2014. The consumer information provisions of Article 42 shall apply in accordance with the date of entry into force of Regulation (EU) No 1169/2011***. **[Am. 146]**

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

ANNEX I

	CN code	Description of goods
(a)	0301	Live fish
	0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304
	0303	Fish, frozen, excluding fish fillets and other fish meat of heading 0304
	0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen
(b)	0305	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption
(c)	0306	Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine; flours, meals and pellets of crustaceans, fit for human consumption
	0307	Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; aquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine; flours, meals and pellets of aquatic invertebrates other than crustaceans, fit for human consumption
(d)		Animal products not elsewhere specified or included; dead animals of Chapter 1 or 3, unfit for human consumption:
		– Other
		– – Products of fish or crustaceans, molluscs or other aquatic invertebrates; dead animals of Chapter 3:
	0511 91 10	– – – Fish waste
	0511 91 90	– – – Other
(e)	1212 20 00	– Seaweeds and other algae
(f)		Fats and oils and their fractions, of fish, whether or not refined, but not chemically modified:
	1504 10	– Fish-liver oils and their fractions

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	CN code	Description of goods
	1504 20	– Fats and oils and their fractions, of fish, other than liver oils
(g)	1603 00	Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates
(h)	1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs
(i)	1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved
(j)		Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared
	1902 20	– Stuffed pasta, whether or not cooked or otherwise prepared:
	1902 20 10	– – Containing more than 20 % by weight of fish, crustaceans, molluscs or other aquatic invertebrates
(k)		Flours, meals and pellets, of meat or meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption; greaves:
	2301 20 00	– Flours, meals and pellets, of fish or of crustaceans, molluscs or other aquatic invertebrates
(l)		Preparations of a kind used in animal feeding
	2309 90	– Other:
	ex 2309 90 10	– – Fish solubles
		fishmeal
		tuna intended for processing
		aquaculture species listed in Annex V to Regulation (EC) No 104/2000
		the species Sprattus sprattus and Coryphaena hippurus **[Am. 147]**

ANNEX II

CN Code	Description of the goods
0302 22 00	Plaice (Pleonectes platessa)
ex 0302 29 90	Dab (Limanda limanda)
0302 29 10	Megrim (Lepidorhombus spp.)
ex 0302 29 90	Flounder (Platichthys flesus)
0302 31 10	Albacore or longfinned tunas (Thunnus alalunga)
and	
0302 31 90	
ex 0302 40	Herring of the species Clupea harengus
0302 50 10	Cod of the species Gadus morhua
0302 61 10	Sardines of the species Sardina pilchardus
0302 62 00	Haddock (Melanogrammus aeglefinus)
0302 63 00	Coalfish (Pollachius virens)
ex 0302 64	Mackerel of the species Scomber scombrus and Scomber japonicus

CN Code	Description of the goods
0302 65 20	Dogfish (Squalus acanthias and Scyliorhinus spp.)
and	
0302 65 50	
0302 69 31	Redfish (Sebastes spp.)
and	
0302 69 33	
0302 69 41	Whiting (Merlangius merlangus)
0302 69 45	Ling (Molva spp.)
0302 69 55	Anchovies (Engraulis spp.)
ex 0302 69 68	Hake of the species Merluccius merluccius
0302 69 81	Monkfish (Lophius spp.)
0302 69 99	***Skate (Raja spp, Amblyraja spp and Leucoraja spp)***
0302 84 10	***European seabass (Dicentrarchus labrax)*** **[Am. 148]**
ex 0307 41 10	Cuttlefish (Sepia officinalis and Rossia macrosoma)
ex 0306 23 10	Shrimps of the species Crangon crangon and deepwater prawn (Pandalus borealis)
ex 0306 23 31	
ex 0306 23 39	
0302 23 00	Sole (Solea spp.)
0306 24 30	Edible crabs (Cancer pagurus)
0306 29 30	Norway lobsters (Nephrops norvegicus)
0303 31 10	Lesser or Greenland halibut (Reinhardtius hipoglossoides)
0303 78 11	Hake of the genus Merluccius
0303 78 12	
0303 78 13	
0303 78 19	
and	
0303 29 55	
0304 29 56	
0304 29 58	
0303 79 71	Sea bream (Dentex dentex and Pagellus spp.)
0303 61 00	Swordfish (Xiphias Gladius)
0304 21 00	
0304 91 00	
0306 13 40	Shrimps of the family Penaeidae
0306 13 50	
ex 0306 13 80	
0307 49 18	Cuttlefish of the species Sepia officinalis, Rossia macrosoma and Sepiola rondeletti
0307 49 01	

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CN Code	Description of the goods
0307 49 31	Squid (Loligo spp.)
0307 49 33	
0307 49 35	
and	
0307 49 38	
0307 49 51	Squid (Ommastrephes sagittatus)
0307 59 10	Octopus (Octopus spp.)
0307 99 11	Illex spp.
0303 41 10	Albacore or longfinned tuna (Thunnus alalunga)
0302 32 10	Yellowfin tunas (Thunnus albacares)
0303 42 12	
0303 42 18	
0303 42 42	
0303 42 48	
0302 33 10	Skipjack or stripe-bellied bonito (Katsuwomus pelamis)
0303 43 10	
0303 45 10	Bluefin tuna (Thunnus thynnus)
0302 39 10	Other species of the genera Thunnus and Euthynnus
0302 69 21	
0303 49 30	
0303 79 20	
ex 0302 29 90	Lemon sole (Microstomus kitt)
0302 35 10	Bluefin tunas (Thunnus thynnus)
and	
0302 35 90	
ex 0302 69 51	Pollack (Pollachius pollachius)
0302 69 75	Ray's bream (Brama spp.)
ex 0302 69 82	Blue whiting (Micromesistius poutassou or Gadus poutassou)
ex 0302 69 99	Pout (Trisopterus luscus) and poor cod (Trisopterus minutus)
ex 0302 69 99	Bogues (Boops boops)
ex 0302 69 99	Picarel (Spicara smaris)
ex 0302 69 99	Conger (Conger conger)
ex 0302 69 99	Gurnard (Trigla spp.)
ex 0302 69 91	Horse mackerel (Trachurus spp.)
ex 0302 69 99	
ex 0302 69 99	Mullet (Mugil spp.)

CN Code	Description of the goods
ex 0302 69 99 and ex 0304 19 99	Skate (Raja spp.)
ex 0302 69 99	Scabbard fish (Lepidopus caudatus and Aphanopus carbo)
ex 0307 21 00	Common scallop (Pecten maximums)
0307 31 10	***European mussel (Mytilus spp.)*** **[Am. 150]**
ex 0307 91 00	Common whelk (Buccinum undatum)
ex 0302 69 99	Striped or red mullet (Mullus surmuletus, Mullus barbatus)
ex 0302 69 99	Black sea bream (Spondyliosoma cantharus)
	Boarfish (Caproidae)
	Sprat (Sprattus Sprattus)
	Turbot (Psetta Maxima)
	Sea Bass (Dicentrarchus Labrax)
	Argentines (Argentina Silus)
	Spider Crab (Maja Brachydactela)
	Lobster (Homarus Gammarus) **[Am. 149]**

ANNEX III

CORRELATION TABLE

Regulation (EC) No 104/2000	This Regulation
Article 1	Articles 1, 2, 3, 4, 5
Articles 2, 3	Articles 39, 40, 41
Article 4	Articles 42, 43, 44, 45
Article 5(1)	Articles 6, 7, 8, 9, 10, 11, 12, 13
Articles 5(2), 5(3), 5(4), 6	Articles 17, 19, 20, 21, 22, 23, 24, 25
Article 7	Articles 26, 28, 29, 30, 31
Article 8	—
Articles 9, 10, 11, 12	Articles 32, 33, 34, 38
Article 13	Articles 14, 15, 16, 18, 19, 20, 22, 23, 24, 25
Article 14	Article 48(2)
Article 15	Article 27
Article 16	Articles 28, 29, 30, 31
Articles 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27	Articles 35, 36, 37, 38

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Regulation (EC) No 104/2000	This Regulation
Articles 28, 29, 30, 31, 32, 33	—
Article 34	Articles 22, 25, 37
Article 35	—
Article 36	—
Article 37	Articles 50, 51
Articles 38, 39	Article 51
Article 40	—
Article 41	Article 54
Article 42	Articles 52, 53
Article 43	Article 55
—	Article 47
—	Article 48(1)
—	Article 49

Thursday 13 September 2012

Renewal of the Agreement for scientific and technological cooperation between the European Community and the Federative Republic of Brazil ***

P7_TA(2012)0337

European Parliament legislative resolution of 13 September 2012 on the draft Council Decision concerning the renewal of the Agreement for scientific and technological cooperation between the European Community and the Federative Republic of Brazil (10475/2012 – C7-0181/2012 – 2012/0059(NLE))

(2013/C 353 E/44)

(Consent)

The European Parliament,

— having regard to the draft Council Decision (10475/2012),

— having regard to Council Decision 2005/781/EC of 6 June 2005 on the conclusion of the Agreement for scientific and technological cooperation between the European Community and the Federative Republic of Brazil ([1]),

— having regard to the request for consent submitted by the Council in accordance with Article 186 and Article 218(6), second subparagraph, point (a), point (v) of the Treaty on the Functioning of the European Union (C7-0181/2012),

— having regard to Rules 81 and 90(7) and 46(1) of its Rules of Procedure,

— having regard to the recommendation of the Committee on Industry, Research and Energy (A7-0268/2012),

1. Consents to the renewal of the Agreement;

2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Federative Republic of Brazil.

([1]) OJ L 295, 11.11.2005, p. 37.

EU-Algeria agreement on scientific and technological cooperation ***

P7_TA(2012)0338

European Parliament legislative resolution of 13 September 2012 on the draft Council decision on the conclusion of the Agreement between the European Union and the People's Democratic Republic of Algeria on scientific and technological cooperation (08283/2012 – C7-0122/2012 – 2011/0175(NLE))

(2013/C 353 E/45)

(Consent)

The European Parliament,

— having regard to the draft Council decision (08283/2012),

— having regard to the draft agreement signed on 19 March 2012 (17318/2011),

— having regard to the request for consent submitted by the Council in accordance with Article 186, Article 218(6), second subparagraph, point (a), and Article 218(7) of the Treaty on the Functioning of the European Union (C7-0122/2012),

— having regard to Rules 81, 90(7) and 46(1) of its Rules of Procedure,

— having regard to the recommendation of the Committee on Industry, Research and Energy (A7-0267/2012),

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 and of the People's Democratic Republic of Algeria.

Exclusion of certain countries from trade preferences ***I

P7_TA(2012)0342

European Parliament legislative resolution of 13 September 2012 on the proposal for a regulation of the European Parliament and of the Council amending Annex I to Council Regulation (EC) No 1528/2007 as regards the exclusion of a number of countries from the list of regions or states which have concluded negotiations (COM(2011)0598 – C7-0305/2011 – 2011/0260(COD))

(2013/C 353 E/46)

(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0598),

— having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0305/2011),

— 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 and the opinion of the Committee on Development (A7-0207/2012),

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.

Thursday 13 September 2012

P7_TC1-COD(2011)0260

Position of the European parliament adopted at first reading on 13 September 2012 with a view to the adoption of Regulation (EU) No …/2012 of the European Parliament and of the Council amending Annex I to Council Regulation (EC) No 1528/2007 as regards the exclusion of a number of countries from the list of regions or states which have concluded negotiations

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(2) thereof,

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure [1],

Whereas:

(1) Negotiations on the Economic Partnership Agreements ('the Agreements') between:

The CARIFORUM states, of the one part, and the European Community and its Member States, of the other part were concluded on 16 December 2007;

The European Community and its Member States, of the one part, and the Central Africa Party, of the other part were concluded on 17 December 2007 (the Republic of Cameroon);

Ghana, on the one part, and the European Community and its Member States, on the other part were concluded on 13 December 2007;

Côte d'Ivoire, of the one part, and the European Community and its Member States, of the other part were concluded on 7 December 2007;

The Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part were concluded on 28 November 2007 (the Republic of Seychelles and the Republic of Zimbabwe), on 4 December 2007 (the Republic of Mauritius), on 11 December 2007 (Union of the Comoros and the Republic of Madagascar) and 30 September 2008 (the Republic of Zambia);

The SADC EPA states, on the one part, and the European Community and its Member States, on the other part were concluded on 23 November 2007 (the Republic of Botswana, the Kingdom of Lesotho, the Kingdom of Swaziland, the Republic of Mozambique) and 3 December 2007 (the Republic of Namibia);

The East African Community Partner States, on the one part, and the European Community and its Member States, on the other part were concluded on 27 November 2007;

The Pacific States, of the one part, and the European Community, of the other part were concluded on 23 November 2007.

[1] Position of the European Parliament of 13 September 2012.

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(2) The conclusion of negotiations on the Agreements by Antigua and Barbuda, the Commonwealth of the Bahamas, Barbados, Belize, the Republic of Botswana, the Republic of Burundi, the Republic of Cameroon, Union of the Comoros, the Republic of Côte d'Ivoire, the Commonwealth of Dominica, the Dominican Republic, the Republic of the Fiji Islands, the Republic of Ghana, Grenada, the Cooperative Republic of Guyana, the Republic of Haiti, Jamaica, the Republic of Kenya, the Kingdom of Lesotho, the Republic of Madagascar, the Republic of Mauritius, the Republic of Mozambique, the Republic of Namibia, the Independent State of Papua New Guinea, the Republic of Rwanda, Federation of Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, the Republic of Seychelles, the Republic of Suriname, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia [1] and the Republic of Zimbabwe permitted their inclusion in Annex I to Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements [2].

(3) The Republic of Botswana, the Republic of Burundi, the Republic of Cameroon, Union of the Comoros, the Republic of Côte d'Ivoire, the Republic of the Fiji Islands, the Republic of Ghana, the Republic of Haiti, the Republic of Kenya, the Kingdom of Lesotho, the Republic of Mozambique, the Republic of Namibia, the Republic of Rwanda, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Uganda, the Republic of Zambia, and the Republic of Zimbabwe have not taken the necessary steps towards ratification of their respective Agreements.

(4) Consequently, in the light of Article 2(3) of Regulation (EC) No 1528/2007, and in particular point (b) thereof, Annex I to that Regulation should be amended to remove those countries.

(5) In order to ensure that partners can swiftly be reinstated in Annex I to that Regulation as soon as they have taken the necessary steps towards ratification of their respective Agreements, and pending their entry into force, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the European Commission in respect of reinstating the countries removed from Annex I through this Regulation. It is of particular importance that the European Commission carry out appropriate consultations during its preparatory work, including at expert level. The European Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council. ***The Commission should provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. The Commission should invite Parliament's experts to attend those meetings,*** **[Am. 1]**

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1528/2007 is amended as follows:

(1) The following Articles are inserted:

"Article 2a

The Commission shall be empowered to adopt delegated acts in accordance with Article 2b to amend Annex I by reinstating those regions or states from the ACP Group of States which were removed from that Annex by virtue of [Regulation (EU) No …/… [+]] of the European Parliament and of the Council [*]], and which have since taken the necessary steps towards ratification of their respective Agreements after removal from Annex I.

[1] OJ L 330, 9.12.2008, p. 1
[2] OJ L 348, 31.12.2007, p. 1
[+] Number of this Regulation.

Article 2b

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 delegation of power referred to in Article 2a shall be conferred on the Commission ~~for an indeterminate period of time from the entry into force of this Regulation.~~ ***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.*** **[Am. 2]**

3. The delegation of power referred to in Article 2a 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 the powers specified in that decision. It shall take effect 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 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 2a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 ~~2 months~~ ***four months*** at the initiative of the European Parliament or the Council. **[Am. 3]**

(*) OJ L …"

(2) Annex I is replaced by the the text set out in the Annex to this Regulation.

Article 2

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

It shall apply ~~on 1 January 2014~~ ***from 1 January 2016***. **[Am. 4]**

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

Done at ~~Brussels~~,

For the European Parliament
The President

For the Council
The President

(+) ***Date of entry into force of this Regulation.***

Thursday 13 September 2012

ANNEX

"ANNEX I

List of regions or states which have concluded negotiations within the meaning of Article 2(2):

ANTIGUA AND BARBUDA

THE COMMONWEALTH OF THE BAHAMAS

BARBADOS

BELIZE

THE COMMONWEALTH OF DOMINICA

THE DOMINICAN REPUBLIC

GRENADA

THE COOPERATIVE REPUBLIC OF GUYANA

JAMAICA

THE REPUBLIC OF MADAGASCAR

THE REPUBLIC OF MAURITIUS

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

FEDERATION OF SAINT KITTS AND NEVIS

SAINT LUCIA

SAINT VINCENT AND THE GRENADINES

THE REPUBLIC OF SEYCHELLES

THE REPUBLIC OF SURINAME

THE REPUBLIC OF TRINIDAD AND TOBAGO."

Intergovernmental agreements between Member States and third countries in the field of energy ***I

P7_TA(2012)0343

European Parliament legislative resolution of 13 September 2012 on the proposal for a decision of the European Parliament and of the Council setting up an information exchange mechanism with regard to intergovernmental agreements between Member States and third countries in the field of energy (COM(2011)0540 – C7-0235/2011 – 2011/0238(COD))

(2013/C 353 E/47)

(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0540),

— having regard to Article 294(2) and Article 194 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0235/2011),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Luxembourg Chamber of Deputies, asserting that the draft legislative act does not comply with the principle of subsidiarity,

— having regard to the opinion of the European Economic and Social Committee of 18 January 2012 ([1]),

— after consulting the Committee of the Regions,

— having regard to the undertaking given by the Council representative by letter of 5 June 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 Industry, Research and Energy and the opinions of the Committee on Foreign Affairs and the Committee on International Trade (A7-0264/2012),

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.

([1]) OJ C 68, 6.3.2012, p. 65.

P7_TC1-COD(2011)0238

Position of the European Parliament adopted at first reading on 13 September 2012 with a view to the adoption of Decision No …/2012/EU of the European Parliament and of the Council establishing an information exchange mechanism with regard to intergovernmental agreements between Member States and third countries in the field of energy

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Decision No 994/2012/EU.)

Thursday 13 September 2012

Agricultural product quality schemes ***I

P7_TA(2012)0344

European Parliament legislative resolution of 13 September 2012 on the proposal for a regulation of the European Parliament and of the Council on agricultural product quality schemes (COM(2010)0733 – C7-0423/2010 – 2010/0353(COD))

(2013/C 353 E/48)

(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2010)0733),

— having regard to Article 294(2) and Articles 43(2) and 118(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0423/2010),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 5 May 2011 ([1]),

— having regard to the opinion of the Committee of the Regions of 12 May 2011 ([2]),

— having regard to the undertaking given by the Council representative by letter of 25 June 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 Agriculture and Rural Development (A7-0266/2011),

1. Adopts its position at first reading hereinafter set out;

2. Takes note of the Council Statement annexed to this resolution;

3. 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;

4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

([1]) OJ C 218, 23.7.2011, p. 114.
([2]) OJ C 192, 1.7.2011, p. 28.

Thursday 13 September 2012

P7_TC1-COD(2010)0353

Position of the European Parliament adopted at first reading on 13 September 2012 with a view to the adoption of Regulation (EU) No …/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 1151/2012.)

Annex to the legislative resolution

Council Statement

The Council has noted the importance the European Parliament attaches to the extension of the system for management of production of PDO and PGI cheese to other PDO and PGI products.

The Council commits itself to discuss the issue of the management of the supply of PDO and PGI products in the context of its negotiations with the European Parliament on the Commission CAP reform proposal on the Single CMO which includes provision for instruments to regulate supply on agricultural markets.

European Social Entrepreneurship Funds ***I

P7_TA(2012)0345

Amendments adopted by the European Parliament on 13 September 2012 on the proposal for a regulation of the European Parliament and of the Council on European Social Entrepreneurship Funds (COM(2011)0862 – C7-0489/2011 – 2011/0418(COD)) [1]

(2013/C 353 E/49)

(Ordinary legislative procedure: first reading)

[Amendment No 2]

AMENDMENTS BY THE EUROPEAN PARLIAMENT (*)

to the Commission proposal

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[1] The matter was referred back to the committee responsible for reconsideration pursuant to Rule 57(2), second subparagraph (A7-0194/2012).

(*) Amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol ▌.

REGULATION (EU) No …/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on European Social Entrepreneurship Funds

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

— Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Thursday 13 September 2012

— Having regard to the proposal from the European Commission,

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

— Having regard to the opinion of the European Central Bank [1],

— Having regard to the opinion of the European Economic and Social Committee [2],

— Acting in accordance with the ordinary legislative procedure [3],

Whereas:

(1) Increasingly, as investors also pursue social goals and are not only seeking financial returns, a social investment market has been emerging in the Union, comprised in part by investment funds targeting social undertakings. Such investment funds provide funding to social undertakings which are acting as drivers of social change by offering innovative solutions to social problems***, for example helping to tackle the social consequences of the financial crisis,*** and making a valuable contribution to meeting the objectives of the Europe 2020 Strategy.

(1a) This Regulation is part of the Social Business Initiative set out by the Commission in its Communication of 25 October 2011 entitled 'Social Business Initiative - Creating a favourable climate for social enterprises, key stakeholders in the social economy and innovation'.

(2) It is necessary to lay down a common framework of rules regarding the use of the designation for European Social Entrepreneurship Funds***, '(EuSEF)',*** in particular on the composition of the portfolio of funds that operate under this designation, their eligible investment targets, the investment tools they may employ and the categories of investors that are eligible to invest in such funds by uniform rules in the Union. In the absence of such a common framework, there is a risk that Member States take diverging measures at national level having a direct negative impact on, and creating obstacles to, the good functioning of the internal market, since funds that wish to operate across the Union would be subject to different rules in different Member States. Moreover, diverging quality requirements on portfolio composition, investment targets and eligible investors could lead to different levels of investor protection and generate confusion as to the investment proposition associated with a European Social Entrepreneurship Fund (EuSEF). Investors should, furthermore, be able to compare the investment propositions of different EuSEFs. It is necessary to remove significant obstacles to cross-border fundraising by EuSEFs and to avoid distortions of competition between those funds, and to prevent any further likely obstacles to trade and significant distortions of competition from arising in the future. Consequently, the appropriate legal basis is Article 114 of the Treaty on the Functioning of the European Union, as interpreted in accordance with the consistent case law of the Court of Justice of the European Union.

(3) It is necessary to adopt a Regulation establishing uniform rules applicable to EuSEFs and imposing corresponding obligations on their managers in all Member States that wish to raise capital across the Union using the designation ***'EuSEF'***. These requirements should ensure the confidence of investors that wish to invest in such funds.

(3a) This Regulation does not apply to existing national schemes that allow investment in social businesses and that do not use the designation 'EuSEF'.

[1] OJ C 175, 19.6.2012, p. 11.
[2] OJ C 229, 31.7.2012, p. 55.
[3] Position of the European Parliament of …

(4) Defining the quality requirements for the use of the designation '***EuSEF***' in the form of a Regulation should ensure that those requirements will be directly applicable to the managers of collective investment undertakings that raise funds using this designation. This would ensure uniform conditions for the use of this designation by preventing diverging national requirements as a result of the transposition of a Directive. This Regulation would entail that managers of collective investment undertakings that use this designation would need to follow the same rules in all of the Union, which would also boost confidence of investors that wish to invest in funds that focus on social undertakings. A Regulation would also reduce regulatory complexity and the manager's cost of compliance with often divergent national rules governing such funds, especially for those managers that want to raise capital on a cross-border basis. A Regulation should also contribute to eliminating competitive distortions.

(4a) It should be possible for a EuSEF to be either externally or internally managed. Where the EuSEF is internally managed, the EuSEF is also the manager and should therefore comply with all requirements for managers of EuSEFs under this Regulation and be registered as such. A EuSEF which is internally managed should however not be permitted to be the external manager of other collective investment undertakings or UCITS.

(5) In order to clarify the relationship between this Regulation and ***other*** rules on collective investment undertakings and their managers, it is necessary to establish that this Regulation should only apply to managers of collective investment undertakings other than UCITS in accordance with Article 1 of Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations, and administrative provisions, relating to undertakings for collective investment in transferable securities (UCITS) ([1]) and who are established in the Union and are registered with the competent authority in their home Member State in accordance with Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers ([2])***, provided that those managers manage portfolios of EuSEFs. However, EuSEF managers who are registered under this Regulation and who are external managers should be allowed to additionally manage UCITS subject to authorisation under Directive 2009/65/EC.***

(5a) Furthermore, this Regulation ***applies*** only ▌to managers ***of those collective investment undertakings*** whose assets under management in total do not exceed ***the*** threshold ***referred to in point (b) of Article 3(2)(b) of Directive 2011/61/EU***. ***This means that*** the calculation of ***the*** threshold ***for the purposes of this Regulation follows the calculation of the threshold of point (b) of Article 3(2) of Directive 2011/61/EU. However, EuSEF managers who are registered under this Regulation and whose assets in total subsequently grow to exceed the threshold referred to in point (b) of Article 3(2) of Directive 2011/61/EU, and who therefore become subject to authorisation with the competent authorities of their home Member State in accordance with Article 6 of that Directive, may continue to use the designation 'EuSEF' in relation to the marketing of EuSEFs in the Union, provided that they comply with the requirements laid down in that Directive and that they continue to comply with certain requirements for the use of the designation 'EuSEF' specified in this Regulation at all times in relation to the EuSEF. This applies to both existing EuSEFs and EuSEFs established after exceeding the threshold.***

(6) Where managers of collective investment undertakings do not wish to use the designation 'EuSEF' then this Regulation does not apply. In those cases, existing national rules and general Union rules should continue to apply.

(7) This Regulation should establish uniform rules on the nature of EuSEFs, notably on the portfolio undertakings into which the EuSEFs are to be permitted to invest, and the investment instruments to be used. ***This is necessary so that a clear demarcation line can be drawn between a EuSEF and other alternative investment funds that engage in other, less specialised, investment strategies, for example buyouts, which this Regulation is not seeking to promote.***

([1]) OJ L 302, 17.11.2009, p. 32.
([2]) OJ L 174, 1.7.2011, p. 1.

(7a) ***In line with the aim of precisely circumscribing the collective investment undertakings which will be covered by this Regulation and in order to ensure a focus on providing capital to social undertakings, EuSEFs should be deemed to be those funds that intend to invest at least 70 % of their aggregate capital contributions and uncalled committed capital in such undertakings. The EuSEF should not be permitted to invest more than 30 % of its aggregate capital contributions and uncalled committed capital in assets other than qualifying investments. This means that whereas the 30 % should be the maximum limit for non-qualifying investments at all times, the 70 % should be reserved for qualifying investments during the life time of the EuSEF. The above mentioned limits should be calculated on the basis of amounts investible after deduction of all relevant costs and holdings of cash and cash equivalents. This Regulation should set out the details necessary for the calculation of the referred investment limits.***

(7b) In order to ensure the necessary clarity and certainty this Regulation should also lay down uniform criteria to identify social undertakings as eligible qualifying portfolio undertakings. ***A social undertaking is an operator in the social economy whose main objective is to have a social impact rather than make a profit for their owners or shareholders. It operates by providing goods and services for the market and uses its profits primarily to achieve social objectives. It is managed in an accountable and transparent way and, in particular, by involving employees, consumers and stakeholders affected by its commercial activities.***

(7c) ***As*** social undertakings have the achievement of positive social impact as their principle objective rather than maximising their profits ▌, this Regulation should ***only promote support to*** qualifying portfolio ***undertakings that*** have the achievement of a measurable and positive social impact as ***their*** focus. ***A measurable and positive social impact could include the provision of services to immigrants who are otherwise excluded, or by reintegrating marginalised groups in the labour market by providing employment, support or training. These undertakings use their*** profits to achieve ***their*** primary ***social*** objective and ***are*** managed in an accountable and transparent way. For the, in general, exceptional cases, in which a qualifying portfolio undertaking wishes to distribute profits to shareholders and owners, the qualifying portfolio undertaking should have predefined procedures and rules on how profits are distributed to shareholders and owners. Those rules should specify that distribution of profits does not undermine the primary social objective.

(8) Social undertakings include a large range of undertakings, taking various legal forms, that provide social services or goods to vulnerable, marginalised***, disadvantaged or excluded*** persons. Such services include access to housing, healthcare, assistance for elderly or disabled persons, child care, access to employment and training as well as dependency management. Social undertakings also include undertakings that employ a method of production of goods or services ***that embodies their*** social objective, but whose activities may be outside the realm of the provision of social goods or services. Those activities include social and professional integration by means of access to employment for people disadvantaged in particular by insufficient qualifications or social or professional problems leading to exclusion and marginalisation. ***Those activities may also concern environmental protection with a societal impact, such as anti-pollution, recycling and renewable energy***.

(8a) ***The purpose of this Regulation is to support growth of social undertakings in the Union. Investments in qualifying portfolio undertakings established in third countries can bring more capital to EuSEFs and thereby benefit social undertakings in the Union. However, under no circumstances should investments be made into third country portfolio undertakings that are located in tax havens or uncooperative jurisdictions.***

(8b) ***A EuSEF should not be established in tax havens or uncooperative jurisdictions, such as third countries characterised in particular by no or nominal taxes, a lack of appropriate cooperation arrangements between the competent authorities of the home Member State of the EuSEF manager and the supervisory authorities of the third country where the social entrepreneurship fund is established, or a lack of effective exchange of information in tax matters. A EuSEF should also not invest in jurisdictions displaying any of the above criteria.***

(8c) EuSEF managers should be able to attract additional capital commitments during the lifetime of a fund. Such additional capital commitments in the lifetime of the EuSEF should be taken into account when the next investment in assets other than qualifying assets is contemplated. Additional capital commitments should be permitted in accordance with the criteria and subject to conditions set out in the EuSEF's rules or instruments of incorporation.

(9) Taking into account the specific funding needs of social undertakings, it is necessary to achieve clarity regarding the types of instruments a EuSEF should use for such funding. Therefore, this Regulation lays down uniform rules on the eligible instruments to be used by a EuSEF when making investments, which include equity ***and quasi equity*** instruments, debt instruments, ***such as promissory notes and certificates of deposit***, investments into other EuSEFs, ***secured or unsecured*** loans***, and grants. However, to prevent dilution of the investments into qualifying portfolio undertakings, EuSEFs should only be permitted to invest into other EuSEFs where those other EuSEFs have not themselves invested more than 10 % of their aggregate capital contributions and uncalled committed capital into other EuSEFs.***

(9a) The core activities of EuSEFs are providing finance to social undertakings through primary investments. EuSEFs should not participate in systemically important banking activities outside of the usual prudential regulatory framework (so-called 'shadow banking'). Neither should they follow typical private equity strategies, such as leveraged buyouts.

(10) To maintain the necessary flexibility in its investment portfolio, EuSEFs may ▌invest in other assets than qualifying investments to the extent that these investments do not exceed the ***30 % limit*** for non-qualifying investments. ***Holdings of*** cash and cash equivalents should not be taken into account for the calculation of ***this limit as cash and cash equivalents are not to be considered as investments. EuSEFs should engage in investments throughout their portfolio that are consistent with their ethical investment strategy, for instance they should not undertake investments such as in the weapons industry, that risk breaches of human rights or that entail electronic waste-dumping.***

(11) In order to ensure that the designation 'EuSEF' is reliable and easily recognisable for investors across the Union this Regulation should establish that only EuSEF managers which comply with the uniform quality criteria as set out in this Regulation should be eligible to use this designation when marketing EuSEFs across the Union.

(12) In order to ensure that EuSEFs have a distinct and identifiable profile which is suited to their purpose, there should be uniform rules on the composition of the portfolio and on the investment techniques which are permitted for such funds.

(13) In order to ensure that EuSEFs do not contribute to the development of systemic risks, and ▌that such funds concentrate, in their investment activities, on supporting qualifying portfolio ***undertakings, the use of*** leverage at the level of the fund should not be permitted. ***The EuSEF manager should only be permitted to borrow, issue debt obligations or provide guarantees, at the level of the EuSEFs, provided that such borrowings, debt obligations or guarantees are covered by uncalled commitments and thus do not increase the exposure of the fund beyond the level of its committed capital. Under this approach cash advances from investors of the EuSEF that are fully covered by capital commitments from those investors do not increase the exposure of the EuSEF and should therefore be allowed. Also, in order to permit the fund to cover extraordinary liquidity needs that might arise between a call of committed capital from investors and the actual reception of the capital in its accounts, short-term borrowing should be allowed provided that it does not exceed uncalled committed capital.***

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(14) In order to ensure that EuSEFs are ***only*** marketed to investors who have the ▌experience***, knowledge*** and ***expertise to make their own investment decisions and properly assess*** the risks these funds carry, and in order to maintain investor confidence and trust in EuSEF, certain specific safeguards should be laid down. Therefore, EuSEFs should ▌only be marketed to investors who are professional clients or who can be treated as professional clients under Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments ([1]). However, in order to have a sufficiently broad investor base for investments into EuSEFs it is also desirable that certain other investors have access to these funds, including high net worth individuals. For those other investors, specific safeguards should be laid down in order to ensure that EuSEFs are only marketed to investors that have the appropriate profile for making such investments. These safeguards exclude marketing through the use of periodic savings plans. ***Furthermore, investments made by executives, directors or employees involved in the management of a EuSEF manager should be possible when investing in the EuSEF they manage, as such individuals are knowledgeable enough to participate in such investments.***

(15) To ensure that only EuSEF managers who fulfil uniform quality criteria as regards their behaviour in the market use the designation '***EuSEF***', this Regulation should establish rules on the conduct of business and the relationship of the EuSEF manager to its investors. For the same reason, this Regulation should also lay down uniform conditions concerning the handling of conflicts of interest by such managers. These rules should also require the manager to have the necessary organisational and administrative arrangements in place to ensure a proper handling of conflicts of interest.

(15a) Where an EuSEF manager intends to delegate functions to third parties, the manager's liability towards the EuSEF and its investors should not be affected by the delegation of functions by the EuSEF manager to a third party. Moreover, the EuSEF manager should not delegate functions to the extent that, in essence, it can no longer be considered to be the EuSEF manager and has become a letter-box entity. The EuSEF manager should remain responsible for the proper performance of delegated functions and compliance with this Regulation at all time. The delegation of functions should not undermine the effectiveness of supervision of the EuSEF manager, and, in particular, should not prevent the EuSEF manager from acting, or the EuSEF from being managed, in the best interests of its investors.

(16) The creation of positive social impacts in addition to the generation of financial returns for investors is a key characteristic of investment funds targeting social undertakings, one which distinguishes them from other types of investment funds. This Regulation should therefore require that the EuSEF managers put in place procedures for ▌measuring the positive social impacts which are to be achieved by investment into qualifying portfolio undertakings.

(16a) Currently funds that are targeting social outcomes or impacts typically assess and collate information on the extent to which social undertakings are achieving the outcomes they are targeting. There are a wide range of different kinds of social outcomes or impacts that a social undertaking might target. Different ways of identifying the social impacts and measuring them have thereby developed. For instance, a firm that is seeking to aid disadvantaged persons may report on the numbers of such persons aided, for instance employed who otherwise would not be employed. Or, a firm that is seeking to improve the rehabilitation into society of prisoners on release may assess its performance in terms of recidivism rates. The funds aid the undertakings in preparing and providing information on their goals and achievements, and gathering it for investors. While information about social impacts is very important for investors, it is difficult to compare between different social undertakings and different funds both because of the differences in social outcomes being targeted and because of the variety of current approaches. In order to encourage the greatest consistency and comparability in the longer term in such information and the greatest efficiency in the procedures for obtaining the information, it is desirable to develop delegated acts in this area. Such delegated acts should also ensure greater clarity for supervisors, EuSEFs and social undertakings.

([1]) OJ L 145, 30.4.2004, p. 1.

(17) In order to ensure the integrity of the designation '***EuSEF***', this Regulation should also contain quality criteria as regards the organisation of a EuSEF manager. Therefore, this Regulation should lay down uniform, proportionate requirements for the need to maintain adequate technical and human resources ▌.

(17a) In order to ensure the proper management of the EuSEF and the ability of the manager to cover potential risks arising from its activities this Regulation should lay down uniform, proportionate requirements for EuSEF manager to maintain sufficient own funds. The amount of such own funds should be sufficient to ensure the continuity and proper management of the EuSEF.

(18) It is necessary for the purpose of investor protection to ensure that EuSEFs assets are properly evaluated. Therefore the ***rules or instruments of incorporation*** of the EuSEF should contain rules on the valuation of assets. This should ensure the integrity and the transparency of the valuation.

(19) In order to ensure that EuSEF managers which make use of the designation 'EuSEF' give sufficient account of their activities, uniform rules on annual reports should be established.

(20) To ensure the integrity of the designation '***EuSEF***' in the eyes of investors, it is necessary that the designation only be used by fund managers who are fully transparent as to their investment policy and their investment targets. This Regulation should therefore set out uniform rules on disclosure requirements that are incumbent on a EuSEF manager in relation to his investors. These requirements include those elements that are specific to investments into social undertakings, so that greater consistency and comparability of such information may be achieved. This includes information about the criteria and the procedures which are used to select particular qualifying portfolio undertakings as investment targets. This also includes information about the positive social impact to be achieved by the investment policy and how this should be monitored and assessed. To ensure the necessary confidence and the trust of investors in such investments, this further includes information about the assets of the EuSEF which are not invested into qualifying portfolio undertakings and how these are selected.

(21) In order to ensure effective supervision of the uniform requirements contained in this Regulation, the competent authority of the home Member State should supervise compliance of the EuSEF manager with the uniform requirements set out in this Regulation. To this effect, the EuSEF manager who wishes to market his funds under the designation '***EuSEF***' should inform the competent authority of his home Member State of this intention. The competent authority should register the fund manager if all necessary information has been provided and if ▌ suitable arrangements to comply with the requirements of this Regulation are in place. That registration should be valid across the entire Union.

(21a) In order to facilitate the efficient cross-border marketing of EuSEF, registration of the manager should be as quick as possible.

(21b) While safeguards are included in this Regulation to ascertain that funds are properly used, supervisory authorities should be vigilant in ensuring that those safeguards are complied with.

(22) In order to ensure effective supervision of compliance with the uniform criteria set out, this Regulation should contain rules on the circumstances under which information supplied to the competent authority in the home Member State needs to be updated.

(23) For the effective supervision of the requirements laid down, this Regulation should also establish a process for cross-border notifications between the competent supervisory authorities, to be triggered by the registration of the EuSEF manager in its home Member State.

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(24) In order to maintain transparent conditions for the marketing of EuSEF managers across the Union, the ***European Supervisory Authority*** (European Securities and Markets Authority) ('ESMA') ***established by Regulation (EU) No 1095/2010 of the European Parliament and of the Council*** [1] should be entrusted with maintaining a central database listing all ***EuSEF managers and the*** EuSEFs ***they manage*** that are registered in accordance with this Regulation.

(24a) Where the competent authority of the host Member State has clear and demonstrable grounds for believing that the EuSEF manager acts in breach of this Regulation within its territory, it should promptly inform the competent authority of the home Member State, which should take appropriate measures.

(24b) If, despite the measures taken by the competent authority of the home Member State or because the competent authority of the home Member State fails to act within a reasonable timeframe, or the EuSEF manager persists in acting in a manner that is clearly in conflict with this Regulation, the competent authority of the host Member State may, after informing the competent authority of the home Member State, take all the appropriate measures needed in order to protect investors, including the possibility of preventing the manager concerned from carrying out any further marketing of its EuSEFs within the territory of the host Member State.

(25) In order to ensure the effective supervision of the uniform criteria established, this Regulation should contain a list of supervisory powers that competent authorities shall have at their disposal.

(26) In order to ensure proper enforcement, this Regulation should contain ***administrative*** sanctions ***and measures*** for the breach of its key provisions, namely the rules on portfolio composition, on safeguards relating to the identity of eligible investors, and on the use of the designation '***EuSEF***' only by registered EuSEF managers. It should be established that a breach of these key provisions entails the prohibition of the use of the designation and the removal of the fund manager from the register.

(27) Supervisory information should be exchanged between the competent authorities in the home and host Member States and ESMA.

(28) Effective regulatory cooperation among the entities tasked with supervising compliance with the uniform criteria set out in this Regulation requires that a high level of professional secrecy should apply to all relevant national authorities and to ESMA.

(28a) The contribution of EuSEFs to the growth of a European market for social investments will depend on take up of the designation by fund managers, the recognition of the designation by investors and the development of a strong eco-system for social enterprises across the Union that aids those enterprises in availing themselves of the financing options provided. To this end, all stakeholders, including market operators, competent authorities in Member States, the Commission and other relevant entities within the Union, should endeavour to ensure a high level of awareness of the possibilities presented by this Regulation.

(29) Technical standards in financial services should ensure consistent harmonisation and a high level of supervision across the Union. As a body with highly specialised expertise, it would be efficient and appropriate to entrust ESMA with the elaboration of draft implementing technical standards where these do not involve policy choices, for submission to the Commission.

[1] ***OJ L 331, 15.12.2010, p. 84.***

(30) The Commission should be empowered to adopt implementing technical standards by means of implementing acts pursuant to Article 291 of the Treaty on the Functioning of the European Union and in accordance with Article 15 of Regulation (EU) No 1095/2010. ESMA should be entrusted with drafting implementing technical standards for the format ▌ of the notification ***referred to in this Regulation***.

(31) In order to specify the requirements set out in this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of specifying ***the types of goods and services or methods of production for goods and services embodying a social objective and the circumstances in which profits may be distributed to owners and investors,*** the types of conflicts of ***interest*** EuSEF managers need to avoid and the steps to be taken in that respect, the details of the procedures to measure the social impacts to be achieved by the qualifying portfolio undertakings**,** and ***the content and procedure for provision of information for investors***. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level***, taking into account self-regulatory initiatives and codes of conduct. The consultations carried out by the Commission during its preparatory work regarding delegated acts on the details of the procedures to measure the social impacts to be achieved by the qualifying portfolio undertakings should involve relevant stakeholders and ESMA. 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.***

▌

(33) At the latest four years after the date on which this Regulation becomes applicable a review of this Regulation should be carried out in order to take account of the development of the market of EuSEFs. ***The review should include a general survey of the functioning of the rules in this Regulation and the experience acquired in applying them.*** On the basis of the review, the Commission should submit a report to the European Parliament and the Council accompanied, if appropriate, by legislative ***proposals***.

(33a) Furthermore, by 22 July 2017, the Commission should start a review of the interaction between this Regulation and other rules on collective investment undertakings and their managers, especially those of Directive 2011/61/EU. In particular, this review should address the scope of this Regulation assessing whether it is necessary to extend the scope to allow for larger alternative investment funds managers to use the designation EuSEF. On the basis of the review, the Commission should submit a report to the European Parliament and the Council accompanied, if appropriate, by legislative proposals.

(33b) In the context of this review, the Commission should evaluate any barriers that may have impeded the uptake of the funds by investors, including the impact on institutional investors of other regulation as may apply to them of a prudential nature. In addition, the Commission should gather data for assessing the contribution of EuSEFs to other Union programs such as Horizon 2020 that seek also to support innovation in the Union.

(33c) In relation to the Commission examination of tax obstacles to cross-border venture capital investments as foreseen in the Commission Communication of 7 December 2011 entitled 'An action plan to improve access to finance for SMEs' and in the context of the review of this Regulation, the Commission should consider undertaking an equivalent examination of possible tax obstacles for social entrepreneurship funds and assess possible tax incentives aimed at encouraging social entrepreneurship in the Union.

(33d) ESMA should assess its staffing and resources needs arising from the assumption of its powers and duties in accordance with this Regulation and submit a report to the European Parliament, the Council and the Commission.

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(34) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including the right to respect for private and family life and the freedom to conduct a business.

(35) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data [1] governs the processing of personal data carried out in the Member States in the context of this Regulation and under the supervision of the Member States competent authorities, in particular the public independent authorities designated by the Member States. Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data [2] by the Union institutions and bodies and on the free movement of such data, governs the processing of personal data carried out by ESMA within the framework of this Regulation and under the supervision of the European Data Protection Supervisor.

(36) ***Since*** the objective of this Regulation, namely to develop an internal market for EuSEFs by laying down a framework for the registration of EuSEF managers facilitating the marketing of EuSEFs throughout the Union, ***cannot be sufficiently achieved by the Member States and*** can ***therefore, by reason of its scale and effects,*** be ***better*** achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set ***out*** in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

This Regulation lays down uniform requirements ***and conditions*** for those managers of collective investment undertakings who wish to use the designation 'EuSEF' ***in relation to the marketing of EuSEF in the Union, and*** thereby contributing to the smooth functioning of the internal market.

This Regulation also lays down uniform rules for the marketing of EuSEF ▌to eligible investors across the Union, for the portfolio composition of EuSEFs, for the eligible investment instruments and techniques, as well as on the organisation, transparency and conduct of EuSEF managers that market EuSEFs across the Union.

Article 2

1. This Regulation applies to managers of collective investment undertakings as defined in point (b) of Article 3(1), ***whose assets under management in total do not exceed the threshold referred to in Article 3(2)(b) of Directive 2011/61/EU,*** who are established in the Union and ***who*** are subject to registration with the competent authorities of their home Member State in accordance with point (a) of Article 3(3) of Directive 2011/61/EU, provided that those managers manage portfolios of EuSEFs ▌.

[1] OJ L 281, 23.11.1995 p. 31.
[2] OJ L 8, 12.1.2001, p. 1.

1a. EuSEF managers registered under this Regulation in accordance with Article 14, and whose assets in total subsequently grow to exceed the threshold referred to in Article 3(2)(b) of Directive 2011/61/EU, and who therefore become subject to authorisation with the competent authorities of their home Member State in accordance with Article 6 of that Directive, may continue to use the designation 'EuSEF' in relation to the marketing of EuSEFs in the Union, provided that they comply with the requirements laid down in Directive 2011/61/EU and that they continue to comply with Articles 3, 5, 9, 12(2), 13(1) (c), (d) and (e) of this Regulation at all times in relation to the EuSEFs.

▌

3a. EuSEF managers that are registered in accordance with this Regulation may additionally manage UCITS subject to authorisation under Directive 2009/65/EC provided that they are external managers.

Article 3

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

(a) 'European Social Entrepreneurship Fund' (EuSEF) means a collective investment undertaking that***:***

(i) intends to invest at least 70 % of its aggregate capital contributions and uncalled committed capital in assets that are qualifying investments ***within a time frame laid down in the rules or instruments of incorporation of the EuSEF;***

(ii) never uses more than 30 % of the fund's aggregate capital contributions and uncalled committed capital for the acquisition of assets other than qualifying investments;

(iii) is established within the territory of a Member State, or in a third country provided that the third country:

— does not provide for tax measures which entail no or nominal taxes or where advantages are granted even without any real economic activity and substantial economic presence within the third country offering such tax advantages;

— has appropriate cooperation arrangements with the competent authorities of the home Member State of the EuSEF manager which entails that an efficient exchange of information can be ensured within the meaning of Article 21 of this Regulation that allows the competent authorities to carry out their duties in accordance with this Regulation;

— is not listed as a Non-Cooperative Country and Territory by FATF;

— has signed an agreement with the home Member State of the EuSEF manager and with each other Member State in which the units or shares of the EuSEF are intended to be marketed, so that it is ensured that the third country fully complies with the standards laid down in Article 26 of the OECD Model Tax Convention on Income and on Capital and ensures an effective exchange of information in tax matters, including any multilateral tax agreements.

The limits referred to in points (i) and (ii) shall be calculated on the basis of amounts investible after the deduction of all relevant costs and holdings in cash and cash equivalents;

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(aa) 'relevant costs' means all fees, charges and expenses which are directly or indirectly borne by investors and which are agreed between the manager of, and the investors in, the EuSEFs;

(b) 'collective investment undertaking' means an ***AIF as defined in point (a) of Article 4(1) of Directive 2011/61/EU***;

(c) 'qualifying investments' means any of the following instruments:

(i) ▌equity ***or quasi equity instruments*** that ***are***:

— issued by a qualifying portfolio undertaking and acquired directly by the EuSEF from the qualifying portfolio undertaking,

— issued by a qualifying portfolio undertaking in exchange for an equity security issued by the qualifying portfolio undertaking or

— issued by an undertaking of which the qualifying portfolio undertaking is a majority-owned subsidiary and which is acquired by the EuSEF in exchange for an equity instrument issued by the qualifying portfolio undertaking;

(ii) securitised and un-securitised debt instruments, issued by a qualifying portfolio undertaking;

(iii) units or shares of one or several other EuSEFs***, provided that those EuSEFs have not themselves invested more than 10 % of their aggregate capital contributions and uncalled committed capital in EuSEFs***;

(iv) ***secured or unsecured*** loans granted ***by the EuSEF*** to ***a*** qualifying portfolio ***undertaking***;

(v) any other type of participation in a qualifying portfolio undertaking.

(d) 'qualifying portfolio undertaking' means an undertaking that, at the time of an investment by the EuSEF, is not ***admitted to trading*** on a regulated market ***or on a multilateral trading facility (MTF)*** as defined in point (14) and point (15) of Article 4(1) of Directive 2004/39/EC ***and which***:

(-i) is established within the territories of a Member State, or in a third country provided that the third country:

— ***does not provide for tax measures which entail no or nominal taxes or where advantages are granted even without any real economic activity and substantial economic presence within the third country offering such tax advantages;***

— ***is not listed as a Non-Cooperative Country and Territory by FATF;***

— ***has signed an agreement with the home Member State of the EuSEF manager and with each other Member State in which the units or shares of the EuSEF are intended to be marketed, so that it is ensured that the third country fully complies with the standards laid down in Article 26 of the OECD Model Tax Convention on Income and on Capital and ensures an effective exchange of information in tax matters, including any multilateral tax agreements;***

(i) has the achievement of measurable, positive social impacts as ***its*** primary objective in accordance with its articles of association, statutes or any other ***rules or instruments of incorporation*** establishing the business, where ***the undertaking***:

— ▌provides services or goods to vulnerable or marginalised***, disadvantaged or excluded*** persons; ▌

— ▌employs a method of production of goods or services that embodies its social objective; ***or***

— ***provides financial support exclusively to social undertakings as defined in the first two indents;***

(ii) uses its profits ***first and foremost*** to achieve its primary ***social*** objective ***in accordance with its articles of association, statutes or any other rules or instruments of incorporation establishing the business. Those rules or instruments of incorporation shall have*** in place predefined procedures and rules for any circumstances in which profits are distributed to shareholders and owners ***to ensure that any such distribution of profits does not undermine its primary objective; and***

(iii) is managed in an accountable and transparent way, in particular by involving workers, customers and stakeholders affected by its business activities.

(e) 'equity' means ownership interest in an undertaking, represented by the shares or other ***forms*** of participation in the capital of the qualifying portfolio undertaking issued to ***its*** investors;

(ea) 'quasi-equity' means any type of financing instrument which is a combination of equity and debt, where the return on the instrument is linked to the profit or loss of the qualifying portfolio undertaking and where the repayment of the instrument in the event of default is not fully secured;

(f) 'marketing' means a direct or indirect offering or placement at the initiative of the EuSEF manager or on behalf of that manager of units or shares of a EuSEF it manages to or with investors domiciled or with a registered office in the Union;

(g) 'committed capital' means any commitment pursuant to which ***an investor is obliged, within the time frame laid down in the rules or instruments of incorporation of the EuSEF,*** to acquire an interest in the EuSEF or make capital contributions to the EuSEF;

(h) 'EuSEF manager' means a legal person whose regular business is managing at least one EuSEF;

(i) 'home Member State' means the Member State where the EuSEF manager is established ***and is subject to registration with the competent authorities in accordance with point (a) of Article 3(3) of Directive 2011/61/EU***;

(j) 'host Member State' means the Member State, other than the home Member State, where the EuSEF manager markets EuSEFs in accordance with this Regulation;

(k) 'competent authority' means the national authority which the home Member State designates, by law or regulation, to undertake the registration of managers of collective investment undertakings as referred to in Article 2(1);

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(ka) 'UCITS' means an undertaking for collective investment in transferable securities authorised in accordance with Article 5 of Directive 2009/65/EC.

In regard to point (h) of the first subparagraph, where the legal form of a EuSEF permits internal management and where the governing body of the fund chooses not to appoint an external manager, the EuSEF itself shall be registered as the EuSEF manager. A EuSEF who is registered as internal EuSEF manager can not be registered as external EuSEF manager of other collective investment undertakings.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 24 specifying the types of services or goods and the methods of production of services or goods that embody a social objective referred to in point (i) of paragraph 1(d) of this Article taking into account the different kinds of qualifying portfolio undertakings and those circumstances in which profits can be distributed to owners and investors.

CHAPTER II

CONDITIONS FOR THE USE OF THE DESIGNATION 'EuSEF'

Article 4

EuSEF managers who comply with the requirements set out in this Chapter shall be entitled to use the designation '***EuSEF***' in relation to the marketing of EuSEFs across the Union.

Article 5

1. EuSEF managers shall ensure that, when acquiring assets other than qualifying investments no more than 30 % of the EuSEF's aggregate capital contributions and uncalled committed capital is used for the acquisition of assets other than qualifying investments; ***the 30 % shall be calculated on the basis of amounts investible after the deduction of all relevant costs;*** holdings in cash and cash equivalents shall not be taken into account for calculating this limit ***as cash and cash equivalents are not to be considered as investments***.

2. ***The*** EuSEF ***manager may*** not ***employ*** at the level of the EuSEF ▌any method ▌by which the exposure of the fund will be increased ***beyond the level of its committed capital***, whether through borrowing of cash or securities, the engagement into derivative positions or by any other means.

2a. The EuSEF manager may only borrow, issue debt obligations or provide guarantees, at the level of the EuSEF, where such borrowings, debt obligations or guarantees are covered by uncalled commitments.

▌

Article 6

1. EuSEF managers shall market the units and shares of the EuSEFs under management exclusively to investors which are considered to be professional clients in accordance of Section I of Annex II of Directive 2004/39/EC, or may, on request, be treated as professional clients in accordance with Section II of Annex II of Directive 2004/39/EC, or to other investors where:

(a) those other investors commit to invest a minimum of EUR 100 000; and

(b) those other investors state in writing, in a separate document from the contract that is concluded for the commitment to invest, that they are aware of the risks associated with the envisaged commitment.

▌

1a. Paragraph 1 shall not apply to investments made by executives, directors or employees involved in the management of a EuSEF manager when investing in the EuSEFs that they manage.

Article 7

EuSEF managers shall, in relation to the EuSEF they manage:

(a) act ***honestly,*** with due skill, care and diligence ***and fairly*** in conducting their activities;

(b) apply appropriate policies and procedures for preventing malpractices that might be reasonably expected to affect the interests of investors and the qualifying portfolio undertakings;

(c) conduct their business activities so as to promote ***the positive social impact of the qualifying portfolio undertakings in which they have invested,*** the best interests of the EuSEFs they manage, the investors in those EuSEFs and the integrity of the market;

(d) apply a high level of diligence in the selection and ongoing monitoring of investments in qualifying portfolio undertakings ***and the positive social impact of those undertakings***;

(e) possess adequate knowledge and understanding of the qualifying portfolio undertakings they invest in;

(ea) treat their investors fairly;

(eb) ensure that no investor obtains preferential treatment, unless such preferential treatment is disclosed in the rules or instruments of incorporation of the EuSEF.

Article 7a

1. Where a EuSEF manager intends to delegate functions to third parties, the manager's liability towards the EuSEF and its investors shall not be affected by the fact that the manager has delegated functions to a third party, nor shall the manager delegate to the extent that, in essence, it can no longer be considered to be the manager of the EuSEF and to the extent that it becomes a letter-box entity.

2. The delegation must not undermine the effectiveness of supervision of the EuSEF manager, and, in particular, must not prevent the EuSEF manager from acting, or the EuSEF from being managed, in the best interests of its investors.

Article 8

1. EuSEF managers shall identify and avoid conflicts of interest and, where they cannot be avoided, manage and monitor and, in accordance with paragraph 4, disclose ***promptly,*** those conflicts of interest in order to prevent them from adversely affecting the interests of the EuSEFs and their investors and to ensure that the EuSEFs they manage are fairly treated.

2. EuSEF managers shall identify in particular those conflicts of interest that may arise between

(a) EuSEF managers, those persons who effectively conduct the business of the EuSEF manager, employees or any person who directly or indirectly controls or is controlled by the EuSEF manager, and the EuSEF managed by the EuSEF manager or the investors in those EuSEFs;

(b) a EuSEF or the investors in that EuSEF, and another EuSEF managed by that EuSEF manager, or the investors in that other EuSEF;

(ba) the EuSEF or the investors in that EuSEF, and a collective investment undertaking or UCITS managed by the same EuSEF manager or the investors in that collective investment undertaking or UCITS.

3. EuSEF managers shall maintain and operate effective organisational and administrative arrangements in order to comply with the requirements laid down in paragraph 1 and 2.

4. Disclosures of conflicts of interest as referred to in paragraph 1 shall be provided, where organisational arrangements made by the EuSEF manager to identify, prevent, manage and monitor conflicts of interest are not sufficient to ensure, with reasonable confidence, that risks of damage to investors' interests will be prevented. EuSEF managers shall clearly disclose the general nature or sources of conflicts of interest to the investors before undertaking business on their behalf.

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 24 specifying:

(a) the types of conflicts of interest as referred to in paragraph 2 of this Article;

(b) the steps EuSEF managers ***shall*** take, in terms of structures and organisational and administrative procedures, in order to identify, prevent, manage, monitor and disclose conflicts of interest.

Article 9

1. EuSEF managers shall employ for each EuSEF they manage procedures to measure ▌the extent to which the qualifying portfolio undertakings, in which the EuSEF invests, achieve the positive social impact that they are committed to. ***The managers shall ensure that these procedures are clear and transparent and include indicators that may, depending on the social objective and nature of the qualifying portfolio undertaking, include one or more of the following subjects:***

(a) employment and labour markets;

(b) standards and rights related to job quality;

(c) social inclusion and protection of particular groups; equality of treatment and opportunities, non -discrimination;

(d) public health and safety;

(e) access to and effects on social protection, health and educational systems.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 24 specifying the details of the procedures referred ***to*** in paragraph 1 of this Article, in relation to different qualifying portfolio undertakings.

Article 10

At all times, EuSEF managers shall have sufficient own funds and use adequate and appropriate human and technical resources as are necessary for the proper management of EuSEFs.

It shall be incumbent upon the EuSEF managers, at all times, to ensure that they are able to justify the sufficiency of their own funds to maintain operational continuity and disclose their reasoning as to why these funds are sufficient as specified in Article 13.

Article 11

1. Rules for the valuation of assets shall be laid down in the ***rules or instruments of incorporation*** of the EuSEF ***and shall ensure a sound and transparent valuation process.***

1a. Valuation procedures used shall ensure that the assets are valued properly and that the asset value is calculated at least once a year.

1b. In order to ensure consistency in the valuation of qualifying portfolio undertakings, ESMA shall develop guidelines setting out common principles on the treatment of investments in such undertakings taking into account their primary objective of achieving measurable positive social impacts and their use of their profits first and foremost for the achievement of this impact.

Article 12

1. EuSEF managers shall make available an annual report to the competent authority of the home Member State for each EuSEF under management no later than 6 months following the end of the financial year. The report shall describe the composition of the portfolio of the EuSEF and the activities of the past year. ***It shall also include a disclosure of the profits of the EuSEF by the end of its life time and, where applicable, a disclosure of the profits distributed during its lifetime.*** It shall contain the audited financial accounts for the EuSEF. ***The audit shall confirm that money and assets are held in the name of the fund and that the EuSEF manager has established and maintained adequate records and controls in respect of the use of any mandate or control over the money and assets of the EuSEF and its investors, and shall be conducted at least once a year. The annual report*** shall be produced in accordance with existing reporting standards and the terms agreed between the EuSEF manager and the investors. EuSEF managers shall provide the report to investors on request. EuSEF managers and investors may agree additional disclosures amongst themselves.

2. The annual report shall at least include the following elements:

(a) details, as appropriate, of the overall social outcomes achieved by the investment policy and the method used to measure these outcomes;

(b) a statement of any divestments in relation to qualifying portfolio undertakings that have occurred;

(c) a description of whether divestments in relation to the other assets of the EuSEF which are not invested into qualifying portfolio undertakings occurred on the basis of the criteria as referred to in point (e) of Article 13(1);

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(d) a summary of the activities the EuSEF manager has undertaken in relation to the qualifying portfolio undertakings as referred to in point (k) of Article 13(1);

(da) information on the nature and purpose of the investments other than qualifying portfolio investments referred to in Article 4(1).

3. Where the EuSEF manager is required to make public an annual financial report in accordance with Article 4 of Directive 2004/109/EC of the European Parliament and Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market [1] in relation to the EuSEF the information referred to in paragraph 1 and 2 of this Article may be provided either separately or as an additional part of the annual financial report.

Article 13

1. EuSEF managers shall***, in relation to the EuSEFs they manage,*** inform their investors***, in a clear and understandable manner,*** about the following elements ***prior to their investment decision***:

(a) the identity of the EuSEF manager and of any other service providers contracted by the EuSEF manager in relation to their management, and a description of their duties;

(aa) the amount of own funds available to the EuSEF manager, as well as a detailed statement as to why the EuSEF manager deems these own funds sufficient for maintaining the adequate human and technical resources necessary for the proper management of its EuSEFs;

(b) a description of the investment strategy and objectives of the EuSEF, including:

(i) the types of qualifying portfolio undertakings ***in which it intends to invest;***

(ii) any other EuSEFs in which it intends to invest;

(iii) the types of qualifying portfolio undertakings in which any other EuSEF, as referred to in point (ii), intend to invest;

(iv) the non-qualifying investments which it intends to make;

(v) the ▌techniques it ***intends to*** employ***;*** and

(vi) any applicable investment restrictions;

(c) the positive social impact being targeted by the investment policy of the EuSEF, including where relevant, projections of such outcomes as may be reasonable, and information on past performance in this area;

(d) the methodologies to be used to measure social impacts;

(e) a description of the assets other than qualifying portfolio undertakings and the process and the criteria which are used for selecting these assets unless they are cash or cash equivalents;

[1] OJ L 390, 31.12.2004, p. 38.

(f) a description of the risk profile of the EuSEF and any risks associated with the assets in which the fund may invest or the investment techniques that may be employed;

(g) a description of the EuSEF's valuation procedure and of the pricing methodology for valuing assets, including the methods used for valuing qualifying portfolio undertakings;

(h) a description of all ***relevant costs*** and of the maximum amounts thereof ▌;

(i) a description of how the remuneration of the EuSEF manager is calculated;

(j) where available, the historical financial performance of the EuSEF;

(k) the business support services and the other support activities the EuSEF manager is providing or arranging through third parties in order to facilitate the development, growth or in some other respect the on-going operations of the qualifying portfolio undertakings in which the EuSEF invests, or, where these services or activities are not provided, an explanation of that fact;

(l) a description of the procedures by which the EuSEF may change its investment strategy or investment policy, or both.

2. All of the information referred to in paragraph 1 shall be fair, clear and not misleading. It shall be kept up-to-date and reviewed regularly ***where relevant***.

3. Where the EuSEF manager is required to publish a prospectus in accordance with Directive 2003/71/EC of the European Parliament and the Council of 4 November 2003 on the prospectus to be published when securities are offered to the public or admitted to trading [1] or in accordance with national law in relation to the EuSEF, the information referred to in paragraph 1 of this Article may be provided either separately or as a part of the prospectus.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 24 specifying:

(a) the content of the information referred to in point (b) to (e) and (k) of paragraph 1 of this Article;

(b) how the information as referred to in point (b) to (e) and (k) of paragraph 1 of this Article can be presented in a uniform way in order to ensure the highest possible level of comparability.

CHAPTER III

SUPERVISION AND ADMINISTRATIVE COOPERATION

Article 14

1. EuSEF managers who intend to use of the designation '***EuSEF***' for the marketing of their EuSEF shall inform the competent authority of their home Member State of this intention and shall provide the following information:

(a) the identity of the persons who effectively conduct the business of managing EuSEFs;

(b) the identity of the EuSEFs whose units or shares shall be marketed and their investment strategies;

[1] OJ L 345, 31.12.2003, p. 64.

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(c) information on the arrangements made for complying with the requirements of Chapter II;

(d) a list of Member States where the EuSEF manager intends to market each EuSEF;

(da) a list of Member States and third countries where the EuSEF manager has established, or intends to establish, EuSEFs.

2. The competent authority of the home Member State shall ▌register the EuSEF manager ***only*** if it is satisfied that the following conditions are met:

(-a) the persons who effectively conduct the business of managing the EuSEF are of sufficiently good repute and are sufficiently experienced also in relation to the investment strategies pursued by the EuSEF manager;

(a) the information required referred to in paragraph 1 is complete;

(b) the arrangements notified according to in point (c) of paragraph 1 are suitable in order to comply with the requirements of Chapter II;

(ba) the list notified according to point (da) of paragraph 1 reveals that all of the EuSEFs are established in accordance with Article 3(1)(a)(iii) of this Regulation.

3. The registration shall be valid for the entire territory of the Union and shall allow EuSEF managers to market EuSEFs under the designation 'EuSEF' throughout the Union.

Article 15

The EuSEF manager shall update the information provided to the competent authority of the home Member State where the EuSEF manager intends:

(a) to market a new EuSEF;

(b) to market an existing EuSEF in a Member State not mentioned in the list referred to in point (d) of Article 14(1).

Article 16

1. Immediately after the registration of a EuSEF manager, ***the addition of a new EuSEF, the addition of a new domicile for the establishment of a EuSEF or the addition of a new Member State where the EuSEF manager intends to market EuSEFs,*** the ***competent*** authority of the home Member State shall notify ***this*** to the Member States indicated in accordance with point (d) of Article 14(1) ▌and to ESMA.

2. The host Member States indicated in accordance with point (d) of Article 14(1) of this Regulation shall not impose, on the EuSEF manager registered in accordance with Article 14, any requirements or administrative procedures in relation to the marketing of its EuSEFs, nor shall they require any approval of the marketing prior to its commencement.

3. In order to ensure uniform application of this article, ESMA shall develop draft implementing technical standards to determine the format of the notification.

4. ESMA shall submit those draft implementing technical standards to the Commission by **…** (*).

5. Power is conferred on the Commission to adopt the implementing technical standards referred to in paragraph 3 in accordance with the procedure laid down in Article 15 of Regulation (EU) No 1095/2010.

Article 17

ESMA shall maintain a central database, publicly accessible on the internet, listing all EuSEF managers registered in the Union in accordance with this Regulation ***and EuSEFs that they market as well as the countries in which they are marketed.***

Article 18

1. The competent authority of the home Member State shall supervise compliance with the requirements set out in this Regulation.

1a. Where the competent authority of the host Member State has clear and demonstrable grounds for believing that the EuSEF manager is in breach of this Regulation within its territory, it shall promptly inform the competent authority of the home Member State accordingly, which shall take appropriate measures.

1b. If, despite the measures taken by the competent authority of the home Member State or because the competent authority of the home Member State fails to act within a reasonable timeframe, or the EuSEF manager persists in acting in a manner that is clearly in conflict with this Regulation, the competent authority of the host Member State may, as a consequence and after informing the competent authority of the home Member State, take all the appropriate measures needed in order to protect investors, including the possibility of preventing the manager concerned from carrying out any further marketing of its EuSEFs within the territory of the host Member State.

Article 19

Competent authorities shall, in conformity with national law, have all supervisory and investigatory powers that are necessary for the exercise of their functions. They shall have in particular the power to:

(a) request access to any document in any form, and to receive or take a copy of it thereof;

(b) require the EuSEF manager to provide information without delay;

(c) require information from any person related to the activities of the EuSEF manager or the EuSEF;

(d) carry out on site inspections with or without prior announcements;

(e) take appropriate measures to ensure that a EuSEF manager continues to comply with the requirements of this Regulation;

(f) issue an order to ensure that a EuSEF manager complies with the requirements of this Regulation and desists from a repetition of any conduct that may consist of a breach of this Regulation.

(*) ***Nine months after entry into force of this Regulation.***

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Article 20

1. Member States shall lay down the rules on administrative ***sanctions and*** measures ▌applicable to breaches of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The ***administrative sanctions and*** measures ▌provided for shall be effective, proportionate and dissuasive.

2. By … (*) the Member States shall notify the rules referred to in paragraph 1 to the Commission and ESMA. They shall notify the Commission and ESMA without delay of any subsequent amendment thereto.

Article 21

1. The competent authority of the home Member State shall***, while respecting the principle of proportionality,*** take the appropriate measures referred to in paragraph 2 where ***a*** EuSEF ***manager***:

(a) ***fails*** to comply with the requirements that apply to the portfolio composition in ***breach of*** Article 5;

(b) ***markets, in breach of Article 6, the units and shares of a*** EuSEF to ***non-eligible*** investors ▌;

(c) ***uses*** the designation '***EuSEF***' without being registered with the competent authority of their home Member State in accordance with Article 14***;***

(ca) uses the designation 'EuSEF' for the marketing of funds which are not established in accordance with Article 3(1)(a)(iii) of this Regulation;

(cb) obtained a registration through false statements or any other irregular means in breach of Article 14;

(cc) fails to act honestly with due skill, care and diligence and fairly in conducting their business in breach of Article 7(a);

(cd) fails to apply appropriate policies and procedures for preventing malpractices in breach of Article 7(b);

(ce) repeatedly fails to comply with the requirements under Article 12 regarding the annual report;

(cf) repeatedly fails to comply with the obligation to inform investors in accordance with Article 13.

2. In the cases referred to in paragraph 1 the competent authority of the home Member State shall take the following measures, as appropriate:

(-a) take measures to ensure that a EuSEF manager complies with Articles 3(1)(a)(iii), 5, 6, 7(a), 7(b), 12, 13 and 14 of this Regulation;

(a) prohibit the use of the designation '***EuSEF***' ***and*** remove the EuSEF manager from the register.

(*) 24 months after entry into force of this Regulation.

3. The competent ***authority*** of the home Member State shall inform the competent authorities of the host Member States indicated in accordance with point (d) of Article 14(1) ***and ESMA without delay*** of the removal of the EuSEF manager from the register referred to in ***point (a) of paragraph 2*** of this Article.

4. The right to market one or more EuSEFs under the designation '***EuSEF***' in the Union expires with immediate effect from the date of the decision of the competent authority referred to in ***point (a)*** of paragraph 2.

Article 22

1. Competent authorities and ESMA shall cooperate with each other for the purpose of carrying out their respective duties under this Regulation ***in accordance with Regulation (EU) No 1095/2010***.

2. ***Competent authorities and ESMA*** shall exchange all information and documentation necessary ***to carry out their respective duties under this Regulation in accordance with Regulation (EU) No 1095/2010, in particular*** to identify and remedy breaches of this Regulation.

Article 22a

In case of disagreement between competent authorities of Member States on an assessment, action or omission of one competent authority in areas where this Regulation requires cooperation or coordination between competent authorities from more than one Member State, competent authorities may refer the matter to ESMA, which may act in accordance with the powers conferred on it under Article 19 of Regulation (EU) No 1095/2010, in so far as the disagreement is not related to Article 3(1)(a)(iii) or Article 3(1)(d)(-i) of this Regulation.

Article 23

1. All persons who work or who have worked for the competent authorities or ESMA, as well as auditors and experts instructed by the competent authorities and ESMA, are bound by the obligation of professional secrecy. No confidential information which those persons receive in the course of their duties shall be divulged to any person or authority whatsoever, save in summary or aggregate form such that EuSEF managers and EuSEFs cannot be individually identified, without prejudice to cases covered by criminal law and proceedings under this Regulation.

2. The competent authorities of the Member States or ESMA shall not be prevented from exchanging information in accordance with this Regulation or other Union law applicable to EuSEF managers and EuSEFs.

3. Where competent authorities and ESMA receive confidential information in accordance with paragraph 1, they may use it only in the course of their duties and for the purpose of administrative and judicial proceedings.

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

Article 24

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions set out in this Article.

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2. The delegation of power referred to in Article ▌3(2), Article 8(5), Article 9(2) and Article 13(4) shall be conferred on the Commission for a period of four years from … (*). The Commission shall draw up a report in respect of the delegation of powers not later than nine months before the end of the four-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 powers referred to in Article ▌3(2), Article 8(5), Article 9(2), and Article 13(4) 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 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 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 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of ***three 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 ***three months*** at the initiative of the European Parliament or the Council.

Article 25

1. At the latest four years after the date of application of this Regulation, the Commission shall review this Regulation. The review shall include a general survey of the functioning of the rules in this Regulation and the experience acquired in applying them, including:

(a) the extent to which the designation '***EuSEF***' has been used by EuSEF managers in different Member States, whether domestically or on a cross border basis;

(aa) the geographical location of EuSEFs and whether additional measures are necessary to ensure that EuSEFS are established in accordance with Article 3(1)(a)(iii);

(ab) the geographical and sectoral distribution of investments undertaken by EuSEFs;

(b) the use of the different qualifying investments by EuSEFs and how this has impacted the development of social undertakings across the Union;

(ba) the appropriateness of establishing a European label for 'social enterprises';

(bb) he possibility of extending the marketing of EuSEFs to retail investors;

(c) the practical application of the criteria for identifying qualifying portfolio undertakings, the impact of this on the development of social undertakings across the Union and their positive social impact;

(ca) an analysis of the procedures implemented by EuSEF managers so as to measure the positive social impact generated by the qualifying portfolio undertakings referred to in Article 9 and an assessment of the feasibility of introducing harmonised standards for measuring the social impact at Union level in a manner consistent with Union social policy;

(*) Entry into force of this Regulation.

(cb) the appropriateness of complementing this Regulation with a depositary regime;

(cd) the appropriateness of including EuSEFs within eligible assets under Directive 2009/65/EC;

(ce) the appropriateness of the information requirements under Article 13, in particular whether they are sufficient to enable investors to take an informed investment decision;

(cf) an examination of possible tax obstacles for social entrepreneurship funds and an assessment of possible tax incentives aimed at encouraging social entrepreneurship in the Union;

(cg) an evaluation of any barriers that may have impeded the uptake of the funds by investors, including the impact on institutional investors of other Union legislation of a prudential nature.

▌

2. ***Following the review referred to in paragraph 1 and*** after consulting ESMA the Commission shall submit a report to the European Parliament and the Council accompanied, if appropriate, by a legislative proposal.

Article 25a

1. By 22 July 2017, the Commission shall start a review of the interaction between this Regulation and other rules on collective investment undertakings and their managers, especially those of Directive 2011/61/EU. This review shall address the scope of this Regulation. It shall gather data for assessing whether it is necessary to extend the scope to allow for managers who manage EuSEFs the total assets of which exceed the threshold provided for in Article 2(1) to become EuSEF managers.

2. Following the review referred to in paragraph 1 and after consulting ESMA the Commission shall submit a report to the European Parliament and the Council accompanied, if appropriate, by a legislative proposal.

Article 26

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

It shall apply from the 22 July 2013, except for Article 3(2), Article 8(5), Article 9(2) and Article 13(4), which shall apply from the date of entry into force of the Regulation.

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

Done at …

For the European Parliament	*For the Council*
The President	*The President*

Thursday 13 September 2012

European Venture Capital Funds ***I

P7_TA(2012)0346

Amendments adopted by the European Parliament on 13 September 2012 on the proposal for a regulation of the European Parliament and of the Council on European Venture Capital Funds (COM(2011)0860 – C7-0490/2011 – 2011/0417(COD)) [1]

(2013/C 353 E/50)

(Ordinary legislative procedure: first reading)

[Amendment No 2]

AMENDMENTS BY THE EUROPEAN PARLIAMENT (*)

to the Commission proposal

(1) The matter was referred back to the committee responsible for reconsideration pursuant to Rule 57(2), second subparagraph (A7-0193/2012).
(*) Amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol ▌.

REGULATION (EU) No …/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on European Venture Capital Funds

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

— Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

— Having regard to the proposal from the European Commission,

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

— Having regard to the opinion of the European Central Bank [1],

— Having regard to the opinion of the European Economic and Social Committee [2],

— Acting in accordance with the ordinary legislative procedure [3],

Whereas:

(1) Venture capital provides finance to undertakings that are generally very small, in the initial stages of their corporate existence and display a strong potential for growth and expansion. In addition, venture capital funds provide ▌ undertakings with valuable expertise and knowledge, business contacts, brand-equity and strategic advice. By providing finance and advice to these undertakings, venture capital funds ***stimulate*** economic growth, contribute to the creation of jobs ***and capital mobilisation***, ***foster the establishment and expansion of*** innovative undertakings, increase their

(1) OJ C 175, 19.6.2012, p. 11.
(2) OJ C 191, 29.6.2012, p. 72.
(3) Position of the European Parliament of ….

investment in research and development and foster entrepreneurship, innovation and competitiveness ***in line with the objectives of EU 2020 Strategy and in the context of the long-term challenges of the Member States, such as those identified in the European Strategy and Policy Analysis System's report, Global Trends 2030***.

(2) It is necessary to lay down a common framework of rules regarding the use of the designation for European Venture Capital Funds***, 'EuVECA',*** in particular the composition of the portfolio of funds that operate under this designation, their eligible investment targets, the investment tools they may employ and the categories of investors that are eligible to invest in such funds by uniform rules in the Union. In the absence of such a common framework, there is a risk that Member States take diverging measures at national level having a direct negative impact on, and creating obstacles to, the good functioning of the internal market, since venture capital funds that wish to operate across the Union would be subject to different rules in different Member States. Moreover, diverging quality requirements on portfolio composition, investment targets and eligible investors could lead to different levels of investor protection and generate confusion as to the investment proposition associated with a '***EuVECA***'. Investors should, furthermore, be able to compare the investment propositions of different venture capital funds. It is necessary to remove significant obstacles to cross-border fundraising by venture capital funds and to avoid distortions of competition between those funds, and to prevent any further likely obstacles to trade and significant distortions of competition from arising in the future. Consequently, the appropriate legal basis is Article 114 of the Treaty on the Functioning of the European Union, as interpreted in accordance with the consistent case law of the Court of Justice of the European Union.

(3) It is necessary to adopt a Regulation establishing uniform rules applicable to the European Venture Capital Funds and imposing corresponding obligations on their managers in all Member States that wish to raise capital across the Union using the designation '***EuVECA***'. These requirements should ensure the confidence of investors that wish to invest in venture capital funds.

(4) Defining the quality requirements for the use of the designation '***EuVECA***' in the form of a Regulation would ensure that those requirements will be directly applicable to the managers of collective investment undertakings that raise funds using this designation. This would ensure uniform conditions for the use of this designation by preventing diverging national requirements as a result of the transposition of a Directive. This Regulation would entail that managers of collective investment undertakings that use this designation would need to follow the same rules in all of the Union, which would also boost confidence of investors that wish to invest in venture capital funds. A Regulation would also reduce regulatory complexity and the managers' cost of compliance with often divergent national rules governing venture capital funds, especially for those managers that want to raise capital on a cross-border basis. A Regulation should also contribute to eliminating competitive distortions.

(4a) As stated in the Commission Communication of 7 December 2011 entitled 'An action plan to improve access to finance for SMEs', in 2012 the Commission will complete its examination of tax obstacles to cross-border venture capital investments with a view to presenting solutions in 2013 aimed at eliminating the obstacles while at the same time preventing tax avoidance and evasion.

(4b) It should be possible for a qualifying venture capital fund to be either externally or internally managed. Where the qualifying venture capital fund is internally managed, the qualifying venture capital fund is also the manager and should therefore comply with all requirements for managers of qualifying venture capital funds under this Regulation and be registered as such. A qualifying venture capital fund which is internally managed should however not be permitted to be the external manager of other collective investment undertakings or UCITS.

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(5) In order to clarify the relationship between this Regulation and ***other*** rules on collective investment undertakings and their managers, it is necessary to establish that this Regulation should only apply to managers of collective investment undertakings, other than UCITS in accordance with Article 1 of Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) [1] who are established in the Union and are registered with the competent authority in their home Member State in accordance with Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers [2]***, provided that those managers manage portfolios of qualifying venture capital funds. However, venture capital fund managers who are registered under this Regulation and who are external managers should be allowed to additionally manage UCITS subject to authorisation under Directive 2009/65/EC.***

(5a) Furthermore, ***this Regulation applies*** only ▌ to managers ***of those collective investment undertakings*** whose assets under management in total do not exceed ***the*** threshold ***referred to in Article 3(2)(b)*** of Directive 2011/61/EU. ***This means that the calculation of the threshold for the purposes of this Regulation follows the calculation of the threshold of Article 3(2)(b) of Directive 2011/61/EU.***

(5b) However, venture capital fund managers who are registered under this Regulation and whose assets in total subsequently grow to exceed the threshold referred to in Article 3(2)(b) of Directive 2011/61/EU, and who therefore become subject to authorisation with the competent authorities of their home Member State in accordance with Article 6 of that Directive, may continue to use the designation 'EuVECA' in relation to the marketing of qualifying venture capital funds in the Union, provided that they comply with the requirements laid down in that Directive and that they continue to comply with certain requirements for the use of the designation 'EuVECA' specified in this Regulation at all times in relation to the qualifying venture capital funds. This applies to both existing qualifying venture capital funds and qualifying venture capital funds established after exceeding the threshold.

(6) Where managers of collective investment undertakings do not wish to use the designation '***EuVECA***', this Regulation should not apply. In these cases, existing national rules and general Union rules should continue to apply.

(7) This Regulation should establish uniform rules on the nature of qualifying venture capital funds, notably on the portfolio undertakings into which the qualifying venture capital funds are to be permitted to invest and the investment instruments to be used. This is necessary so that a clear demarcation line can be drawn between a qualifying venture capital fund and other alternative investment funds that engage in other, less specialised, investment strategies, for example ***buyouts or speculative real estate investments, which this Regulation is not seeking to promote***.

(8) In line with the aim of precisely circumscribing the collective investment undertakings which will be covered by this Regulation and in order to ensure ***a*** focus on providing capital to small undertakings in the initial stages of their corporate existence, ***qualifying venture capital funds should be deemed to be those funds that intend to invest*** at least 70 % of their aggregate capital contributions and uncalled committed capital ▌ in such undertakings ▌***. The qualifying venture capital fund should not be permitted to invest more than 30 % of its aggregate capital contributions and uncalled committed capital in assets other than qualifying investments. This means that whereas the 30 % should be the maximum limit for non-qualifying investments at all times, the 70 percent should be reserved for qualifying investments during the life time of the qualifying venture capital fund. The above mentioned limits should be calculated on the basis of amounts investible after deduction of all relevant costs and holdings of cash and cash equivalents. This Regulation should set out the details necessary for the calculation of the referred investment limits.***

[1] OJ L 302, 17.11.2009, p. 32.
[2] OJ L 174, 1.7.2011, p. 1.

(8a) The purpose of this Regulation is to support growth and innovation in small and medium-sized enterprises (SMEs) in the Union. Investments in qualifying portfolio undertakings established in third countries can bring more capital to qualifying venture capital funds and thereby benefit SMEs in the Union. However, under no circumstances should investments be made into third country portfolio undertakings that are located in tax havens or uncooperative jurisdictions.

(8b) A qualifying venture capital fund should not be established in tax havens or uncooperative jurisdictions, such as third countries characterised in particular by no or nominal taxes, a lack of appropriate cooperation arrangements between the competent authorities of the home Member State of the venture capital fund manager and the supervisory authorities of the third country where the qualifying venture capital fund is established, or a lack of effective exchange of information in tax matters. A qualifying venture capital fund should also not invest in jurisdictions displaying any of the above criteria.

(8c) Managers of a qualifying venture capital fund should be able to attract additional capital commitments during the lifetime of that fund. Such additional capital commitments in the lifetime of the qualifying venture capital fund should be taken into account when the next investment in assets other than qualifying assets is contemplated. Additional capital commitments should be permitted in accordance with criteria and subject to conditions set out in the qualifying venture capital fund's rules or instruments of incorporation.

(8d) The qualifying investments should be in the form of equity or quasi equity instruments. Quasi equity instruments comprise a type of financing instrument, which is a combination of equity and debt, where the return on the instrument is linked to the profit or loss of the qualifying portfolio undertaking, and where the repayment of the instrument in the event of default is not fully secured. Such instruments include a variety of financing instruments such as subordinated loans, silent participations, participating loans, profit participating rights, convertible bonds and bonds with warrants. As a possible complement to - but not a substitute for - equity and quasi equity instruments, secured or unsecured loans, e.g. bridge financing, granted by the qualifying venture capital fund to a qualifying portfolio undertaking in which the qualifying venture capital fund already holds qualifying investments, should be permitted, provided that no more than 30 percent of the aggregate capital contributions and uncalled committed capital in the qualifying venture capital fund is used for such loans. Furthermore, to reflect existing business practises in the venture capital market, a qualifying venture capital fund should be allowed to buy existing shares of a qualifying portfolio undertaking from existing shareholders of that undertaking. Also, for the purposes of ensuring the widest possible opportunities for fundraising, investments into other qualifying venture capital funds should be permitted. To prevent dilution of the investments into qualifying portfolio undertakings, qualifying venture capital funds should only be permitted to invest into other qualifying venture capital funds, provided that those qualifying venture capital funds have not themselves invested more than 10 percent of their aggregate capital contributions and uncalled committed capital in other qualifying venture capital funds.

(8e) The core activities of venture capital funds are providing finance to SMEs through primary investments. Venture capital funds should not participate in systemically important banking activities outside of the usual prudential regulatory framework (so-called 'shadow banking'). Neither should they follow typical private equity strategies, such as leveraged buyouts.

(8f) In line with the Europe 2020 strategy for delivering smart, sustainable and inclusive growth, this Regulation aims to promote venture capital investments into innovative SMEs anchored in the real economy. Credit institutions, investment firms, insurance undertakings, financial holding companies and mixed-activity holding companies should therefore be excluded from the definition of qualifying portfolio undertakings under this Regulation.

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(9) In order to put in place an essential safeguard that differentiates qualifying venture capital funds under this Regulation from the broader category of alternative investment funds which trade in issued securities on secondary markets, it is necessary to ***lay down rules so that*** qualifying venture capital funds ***make*** investments ***primarily*** in directly issued instruments.

(10) In order to allow venture capital fund managers a certain degree of flexibility in the investment and liquidity management of their qualifying venture capital funds, ▌trading***, such as in shares or participations in non-qualifying portfolio undertakings or acquisitions of non-qualifying investments,*** should be permitted up to a maximum threshold not exceeding 30 percent of aggregate capital contributions and uncalled capital ▌. ▌

(11) In order to ensure that the designation '***EuVECA***' is reliable and easily recognisable for investors across the Union this Regulation should establish that only venture capital fund managers which comply with the uniform quality criteria as set out in this Regulation shall be eligible to use the designation '***EuVECA***' when marketing qualifying venture capital funds across the Union.

(12) In order to ensure that qualifying venture capital funds have a distinct and identifiable profile which is suited to their purpose, there should be uniform rules on the composition of the portfolio and on the investment techniques which are permitted for such qualifying funds.

(13) In order to ensure that qualifying venture capital funds do not contribute to the development of systemic risks, and ▌that such funds concentrate, in their investment activities, on supporting qualifying portfolio ***undertakings, the use of*** leverage at the level of the fund should not be permitted. ***The venture capital fund manager should only be permitted to borrow, issue debt obligations or provide guarantees, at the level of the qualifying venture capital fund, provided that such borrowings, debt obligations or guarantees are covered by uncalled commitments and thus do not increase the exposure of the fund beyond the level of its committed capital. Under this approach cash advances from investors of the qualifying venture capital fund that are fully covered by capital commitments from those investors do not increase the exposure of the qualifying venture capital fund and should therefore be allowed. Also***, in order to permit the fund to cover extraordinary liquidity needs that might arise between a call of committed capital from investors and the actual reception of the capital in its accounts, short-term borrowing should be allowed ***provided that it does not exceed uncalled committed capital***.

(14) In order to ensure that qualifying venture capital funds are ***only*** marketed to investors who have the ▌experience***, knowledge*** and ***expertise*** to ***make their own investment decisions and properly assess*** the risks these funds carry, and in order to maintain investor confidence and trust in qualifying venture capital funds, certain specific safeguards should be laid down. Therefore, qualifying venture capital funds should ▌only be marketed to investors who are professional clients or who can be treated as professional clients under Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments [1]. However, in order to have a sufficiently broad investor base for investment into ***qualifying*** venture capital funds it is also desirable that certain other investors have access to qualifying venture capital funds, including high net worth individuals. For those other investors, however, specific safeguards should be laid down in order to ensure that qualifying venture capital funds are only marketed to investors that have the appropriate profile for making such investments. These safeguards exclude marketing through the use of periodic savings plans. ***Furthermore, investments made by executives, directors or employees involved in the management of a venture capital fund manager should be possible when investing in the qualifying venture capital fund they manage, as such individuals are knowledgeable enough to participate in venture capital investments.***

[1] OJ L 145, 30.4.2004, p. 1.

(15) To ensure that only venture capital fund managers who fulfil uniform quality criteria as regards their behaviour in the market use the designation '***EuVECA***', this Regulation should establish rules on the conduct of business and the relationship of the venture capital fund manager to its investors. For the same reason this Regulation should lay down uniform conditions concerning the handling of conflicts of interest by such managers. These rules should also require the manager to have the necessary organisational and administrative arrangements in place to ensure a proper handling of conflicts of interest.

(15a) Where a venture capital fund manager intends to delegate functions to third parties, the manager's liability towards the venture capital fund and its investors should not be affected by the delegation of functions by the venture capital fund manager to a third party. Moreover, the venture capital fund manager should not delegate functions to the extent that, in essence, it can no longer be considered to be the venture capital fund manager and has become a letter-box entity. The venture capital fund manager should remain responsible for the proper performance of delegated functions and compliance with this Regulation at all time. The delegation of functions should not undermine the effectiveness of supervision of the venture capital fund manager, and, in particular, should not prevent the venture capital fund manager from acting, or the venture capital fund from being managed, in the best interests of its investors.

(16) In order to ensure the integrity of the designation '***EuVECA***' this Regulation should also contain quality criteria as regards the organisation of a venture capital fund manager. Therefore, this Regulation should lay down uniform, proportionate requirements for the need to maintain adequate technical and human resources ▌.

(16a) In order to ensure the proper management of the qualifying venture capital fund and the ability of the manager to cover potential risks arising from its activities this Regulation should lay down uniform, proportionate requirement for the venture capital fund managers to maintain sufficient own funds. The amount of such own funds should be sufficient to ensure the continuity and proper management of qualifying venture capital funds.

(17) It is necessary for the purpose of investor protection to ensure that the assets of the qualifying venture capital fund are properly evaluated. Therefore, the ***rules or instruments of incorporation*** of qualifying venture capital funds should contain rules on the valuation of assets. This should ensure the integrity and transparency of the valuation.

(18) In order to ensure that venture capital fund managers which make use of the designation '***EuVECA***' give sufficient account of their activities, uniform rules on annual reports should be established.

(19) It is necessary, for the purposes of ensuring the integrity of the designation '***EuVECA***' in the eyes of investors that it is only used by venture capital fund managers who are fully transparent as to their investment policy and their investment targets. This Regulation should therefore set out uniform rules on disclosure requirements that are incumbent on a venture capital fund manager in relation to its investors. In particular, there should be pre-contractual disclosure obligations related to the investment strategy and objectives of the qualifying venture capital funds, the investment instruments which are used, information on costs and associated charges, and the risk/reward profile of the investment proposed by a qualifying fund. In view of achieving a high degree of transparency, such disclosure requirements should also include information on how the remuneration of the venture capital fund manager is calculated.

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(20) In order to ensure effective supervision of the uniform requirements contained in this Regulation, the competent authority of the home Member State should supervise compliance of the venture capital fund manager with the uniform requirements set out in this Regulation. To this effect, the qualifying venture capital manager who wishes to market its qualifying funds under the designation '***EuVECA***' should inform the competent authority of his home Member State of this intention. The competent authority should register the venture capital fund manager if all necessary information has been provided and if ▌suitable arrangements to comply with the requirements of this Regulation are in place. This registration should be valid across the entire Union.

(20a) In order to facilitate the efficient cross-border marketing of qualifying venture capital funds, registration of the manager should be as quick as possible.

(20b) While safeguards are included in this Regulation to ascertain that funds are properly used, supervisory authorities should be vigilant in ensuring that those safeguards are complied with.

(21) In order to ensure effective supervision of compliance with the uniform criteria set out in this Regulation, this Regulation should contain rules on the circumstances under which information supplied to the competent authority in the home Member State needs to be updated.

(22) For the effective supervision of the requirements of this Regulation, this Regulation should also lay down a process for cross-border notifications between the competent supervisory authorities, to be triggered by the registration of the venture capital fund manager in its home Member State.

(23) In order to maintain transparent conditions for the marketing of qualifying venture capital funds across the Union, the ***European Supervisory Authority (***European Securities and Markets Authority***)*** ('ESMA'), ***established by Regulation (EU) No 1095/2010 of the European Parliament and of the Council*** [1], should be entrusted with maintaining a central database listing all ***qualifying venture capital fund managers and the*** qualifying venture capital funds ***they manage*** that are registered in accordance with this Regulation.

(23a) Where the competent authority of the host Member State has clear and demonstrable grounds for believing that the venture capital fund manager acts in breach of this Regulation within its territory, it should promptly inform the competent authority of the home Member State, which should take appropriate measures.

(23b) If, despite the measures taken by the competent authority of the home Member State or because the competent authority of the home Member State fails to act within a reasonable timeframe, or the venture capital fund manager persists in acting in a manner that is clearly in conflict with this Regulation, the competent authority of the host Member State may, after informing the competent authority of the home Member State, take all the appropriate measures needed in order to protect investors, including the possibility of preventing the manager concerned from carrying out any further marketing of its venture capital funds within the territory of the host Member State.

(24) In order to ensure the effective supervision of the uniform criteria established in this Regulation, this Regulation should contain a list of supervisory powers that competent authorities shall have at their disposal.

[1] ***OJ L 331, 15.12.2010, p. 84.***

(25) In order to ensure proper enforcement, this Regulation should contain ***administrative*** sanctions ***and measures*** for the breach of key provisions of this Regulation, which are the rules on portfolio composition, on safeguards relating to the identity of eligible investors, and on the use of the designation '***EuVECA***' only by registered venture capital fund managers. It should be established that a breach of these key provisions entails the prohibition of the use of the designation and the removal of the venture capital fund manager from the register.

(26) Supervisory information should be exchanged between the competent authorities in the home and host Member States and ESMA.

(27) Effective regulatory cooperation among the entities tasked with supervising compliance with the uniform criteria set out in this Regulation requires that a high level of professional secrecy should apply to all relevant national authorities and to ESMA.

(28) Technical standards in financial services should ensure consistent harmonisation and a high level of supervision across the Union. As a body with highly specialised expertise, it would be efficient and appropriate to entrust ESMA with the elaboration of draft implementing technical standards where these do not involve policy choices, for submission to the Commission.

(29) The Commission should be empowered to adopt implementing technical standards by means of implementing acts pursuant to Article 291 of the Treaty on the Functioning of the European Union and in accordance with Article 15 of Regulation (EU) No 1095/2010 of the European Parliament and the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority) ([1]). ESMA should be entrusted with drafting implementing technical standards for the format ▌of the notification ***referred to in this Regulation***.

(30) In order to specify the requirements set out in this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of ▌the types of conflicts of interests venture capital funds managers need to avoid and the steps to be taken in that respect. 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 to the Council.*** ▌

(32) At the latest four years after the date on which this Regulation becomes applicable a review of this Regulation should be carried out in order to take account of the development of the venture capital market. ***The review should include a general survey of the functioning of the rules in this Regulation and the experience acquired in applying them.*** On the basis of the review, the Commission should submit a report to the European Parliament and the Council accompanied, if appropriate, by legislative ***proposals***.

(32a) Furthermore, by 22 July 2017, the Commission should start a review of the interaction between this Regulation and other rules on collective investment undertakings and their managers, especially those of Directive 2011/61/EU. In particular, this review should address the scope of this Regulation assessing whether it is necessary to extend the scope to allow for larger alternative investment funds managers to use the designation 'EuVECA'. On the basis of the review, the Commission should submit a report to the European Parliament and the Council accompanied, if appropriate, by legislative proposals.

([1]) OJ L 331, 15.12.2010, p. 84.

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(32b) In the context of this review, the Commission should evaluate any barriers that may have impeded the uptake of the funds by investors, including the impact on institutional investors of other regulation as may apply to them of a prudential nature. In addition, the Commission should gather data for assessing the contribution of EuVECA to other Union programs such as Horizon 2020 that seek also to support innovation in the Union.

(32c) In light of the Commission Communication on an Action Plan to improve to access to finance for SMEs, and the Commission Communication of 6 October 2010 entitled 'European 2020 Flagship Initiative: Innovation Union', it is important to ensure the effectiveness of public schemes across the Union to support the venture capital market, and the coordination and mutual coherence of different Union policies aimed at fostering innovation, including policies on competition and research. A key focus of Union policies on innovation and growth is green technology, given the objective of the Union to be a global leader on smart and sustainable growth and on energy and resource efficiency, including in respect of financing for SMEs. When reviewing this Regulation, it will be important to assess its impact on progress towards this objective.

(32d) ESMA should assess its staffing and resources needs arising from the assumption of its powers and duties in accordance with this Regulation and submit a report to the European Parliament, the Council and the Commission.

(32e) The European Investment Fund (EIF) invests, amongst other things, in venture capital funds across the Union. The measures in this Regulation to allow for the easy identification of venture capital funds with defined common features should make it easier for the EIF to identify venture capital funds under this Regulation as possible investment targets. The EIF should therefore be encouraged to invest in European venture capital funds.

(33) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including the right to respect for private and family life (Article 7) and the freedom to conduct a business (Article 16).

(34) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data [1] governs the processing of personal data carried out in the Member States in the context of this Regulation and under the supervision of the Member States competent authorities, in particular the public independent authorities designated by the Member States. Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the EU institutions and bodies and on the free movement of such data [2], governs the processing of personal data carried out by ESMA within the framework of this Regulation and under the supervision of the European Data Protection Supervisor.

(35) This Regulation should be without prejudice to the application of state aid rules to qualifying venture capital funds.

(36) ***Since*** the ***objectives*** of this Regulation, ***namely*** to ensure uniform requirements apply to the marketing of qualifying venture capital funds, ***and to establish a simple registration system for venture capital fund managers, thereby taking full account of the need to balance safety and reliability associated with the use of the designation 'EuVECA' with the efficient operation of the venture capital market and the cost for its various stakeholders,*** cannot be sufficiently achieved by the Member States ***and can therefore, by reason of its scale and effects, be better achieved at Union level,*** the Union may ▌adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation ▌does not go beyond what is necessary in order to achieve ***those objectives***,

[1] OJ L 281, 23.11.1995, p. 31.
[2] OJ L 8, 12.1.2001, p. 1.

HAVE ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

This Regulation lays down uniform requirements ***and conditions*** for those managers of collective investment undertakings who wish to use the designation ***EuVECA' in relation to*** the marketing of ***qualifying venture capital funds*** in the Union, ***and*** thereby contributing to the smooth functioning of the internal market. It lays down uniform rules for the marketing of qualifying venture capital funds to eligible investors across the Union, for the portfolio composition of qualifying venture capital funds, for the eligible investment instruments and techniques to be used by qualifying venture capital funds as well as for the organisation, conduct and transparency of venture capital fund managers that market qualifying venture capital funds across the Union.

Article 2

1. This Regulation applies to managers of collective investment undertakings as defined in point (b) of Article 3, ***whose assets under management in total do not exceed the threshold referred to in Article 3(2)(b) of Directive 2011/61/EU,*** who are established in the Union and ***who*** are subject to registration with the competent authorities of their home Member State in accordance with point (a) of Article 3(3) of Directive 2011/61/EU, provided that those managers manage portfolios of qualifying venture capital funds ▌.

1a. Venture capital fund managers registered under this Regulation in accordance with Article 13, and whose assets in total subsequently grow to exceed the threshold referred to in Article 3(2)(b) of Directive 2011/61/EU, and who therefore become subject to authorisation with the competent authorities of their home Member State in accordance with Article 6 of that Directive, may continue to use the designation 'EuVECA' in relation to the marketing of qualifying venture capital funds in the Union, provided that they comply with the requirements laid down in that Directive and that they continue to comply with the Articles 3, 5, 12(b) and (ga) of this Regulation at all times in relation to the qualifying venture capital funds.

1b. Venture capital fund managers that are registered in accordance with this Regulation may additionally manage UCITS subject to authorisation under Directive 2009/65/EC provided that they are external managers.

▌

Article 3

For the purposes of this Regulation, the following definitions apply:

(a) 'qualifying venture capital fund' means a collective investment undertaking that:

(i) intends to invest at least 70 percent of its aggregate capital contributions and uncalled committed capital in assets that are qualifying investments ***within a time frame laid down in the rules or instruments of incorporation of the qualifying venture capital fund;***

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(ii) never uses more than 30 percent of the fund's aggregate capital contributions and uncalled committed capital for the acquisition of assets other than qualifying investments;

(iii) is established within the territory of a Member State, or in a third country provided that the third country:

— does not provide for tax measures which entail no or nominal taxes or where advantages are granted even without any real economic activity and substantial economic presence within the third country offering such tax advantages;

— has appropriate cooperation arrangements with the competent authorities of the home Member State of the venture capital fund manager which entails that an efficient exchange of information can be ensured within the meaning of Article 21 of this Regulation that allows the competent authorities to carry out their duties in accordance with this Regulation;

— is not listed as a Non-Cooperative Country and Territory by FATF;

— has signed an agreement with the home Member State of the venture capital fund manager and with each other Member State in which the units or shares of the qualifying venture capital fund are intended to be marketed, so that it is ensured that the third country fully complies with the standards laid down in Article 26 of the OECD Model Tax Convention on Income and on Capital and ensures an effective exchange of information in tax matters, including any multilateral tax agreements.

The limits referred to in points (i) and (ii) shall be calculated on the basis of amounts investible after the deduction of all relevant costs and holdings in cash and cash equivalents;

(aa) 'relevant costs' means all fees, charges and expenses which are directly or indirectly borne by investors and which are agreed between the manager of the qualifying venture capital fund and the investors;

(b) 'collective investment undertaking' means an ***AIF as defined in Article 4(1)(a) of Directive 2011/61/EU***;

(c) 'qualifying investments' means ***any of the following instruments:***

(i) equity or quasi equity instruments that are

— issued by a qualifying portfolio undertaking and acquired directly by the qualifying venture capital fund from the qualifying portfolio undertaking, ▌

— issued by a qualifying portfolio undertaking in exchange for an equity security issued by the qualifying portfolio undertaking, or

— issued by an undertaking of which the qualifying portfolio undertaking is a majority-owned subsidiary and which is acquired by the qualifying venture capital fund in exchange for an equity instrument issued by the qualifying portfolio undertaking;

(ii) secured or unsecured loans granted by the qualifying venture capital fund to a qualifying portfolio undertaking in which the qualifying venture capital fund already holds qualifying investments, provided that no more than 30 percent of the aggregate capital contributions and uncalled committed capital in the qualifying venture capital fund is used for such loans;

(iii) shares of a qualifying portfolio undertaking acquired from existing shareholders of that undertaking;

(iv) units or shares of one or several other qualifying venture capital funds, provided that those qualifying venture capital funds have not themselves invested more than 10 percent of their aggregate capital contributions and uncalled committed capital in qualifying venture capital funds;

(d) 'qualifying portfolio undertaking' means an undertaking that:

(i) at the time of an investment by the qualifying venture capital fund***:***

— is not ***admitted to trading*** on a regulated market ***or on a multilateral trading facility (MTF)*** as defined in point (14) ***and point (15)*** of Article 4(1) of Directive 2004/39/EC,

— employs fewer than 250 persons, and

— either has an annual turnover not exceeding EUR 50 million, or an annual balance sheet ***in*** total not exceeding EUR 43 million;

(ii) is not itself a collective investment undertaking;

(iii) is not one or more of the following:

— ***a credit institution within the meaning of Article 4(1) of Directive 2006/48/EC,***

— ***an investment firm within the meaning of Article 4(1) of Directive 2004/39/EC,***

— ***an insurance undertaking within the meaning of Article 13(1) of Directive 2009/138/EC,***

— ***a financial holding company within the meaning of Article 4(19) of Directive 2006/48/EC, or***

— ***a mixed-activity holding company within the meaning of Article 4(20) of Directive 2006/48/EC;***

(iv) is established within the territory of a Member State, or in a third country provided that the third country:

— ***does not provide for tax measures which entail no or nominal taxes or where advantages are granted even without any real economic activity and substantial economic presence within the third country offering such tax advantages,***

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— ***is not listed as a Non-Cooperative Country and Territory by FATF,***

— ***has signed an agreement with the home Member State of the venture capital fund manager and with each other Member State in which the units or shares of the qualifying venture capital fund are intended to be marketed, so that it is ensured that the third country fully complies with the standards laid down in Article 26 of the OECD Model Tax Convention on Income and on Capital and ensures an effective exchange of information in tax matters, including any multilateral tax agreements;***

(e) 'equity' means ownership interest in an undertaking, represented by the shares or other ***forms*** of participation in the capital of the qualifying portfolio undertaking, issued to ***its*** investors;

(f) 'quasi-equity' means any ***type of financing*** instrument ***which is a combination of equity and debt, where the return on the instrument is linked to the profit or loss*** of the qualifying portfolio undertaking and ***where the repayment of the instrument*** in the event of default ***is not fully secured;***

(g) 'marketing' means a direct or indirect offering or placement at the initiative of the venture capital fund manager or on behalf of the venture capital fund manager of units or shares of a venture capital fund it manages to or with investors domiciled or with a registered office in the Union;

(h) 'committed capital' means any commitment pursuant to which ***an investor is obliged, within the time frame laid down in the rules or instruments of incorporation of the qualifying venture capital fund,*** to acquire an interest in the venture capital fund or make capital contributions to the venture capital fund;

(i) 'venture capital fund manager' means a legal person whose regular business is managing at least one qualifying venture capital fund;

(j) 'home Member State' means the Member State where the venture capital fund manager is established ***and is subject to registration with the competent authorities in accordance with point (a) of Article 3(3) of Directive 2011/61/EU***;

(k) 'host Member State' means the Member State, other than the home Member State, where the venture capital fund manager markets qualifying venture capital funds in accordance with this Regulation;

(l) 'competent authority' means the national authority which the home Member State designates, by law or regulation, to undertake the registration of managers of collective investment undertakings as referred to in paragraph (1) of Article 2;

(la) 'UCITS' means an undertaking for collective investment in transferable securities authorised in accordance with Article 5 of Directive 2009/65/EC.

In regard to point (i) of the first subparagraph, where the legal form of a qualifying venture capital fund permits internal management and where the governing body of the fund chooses not to appoint an external manager, the qualifying venture capital fund itself shall be registered as the venture capital fund manager. A qualifying venture capital fund who is registered as internal venture capital fund manager can not be registered as external venture capital fund manager of other collective investment undertakings.

CHAPTER II

CONDITIONS FOR THE USE OF THE DESIGNATION '***EuVECA***'

Article 4

Venture capital fund managers who comply with the requirements set out in this Chapter shall be entitled to use the designation '***EuVECA***' in relation to the marketing of qualifying venture capital funds in the Union.

Article 5

1. The venture capital fund manager shall ensure that, when acquiring assets other than qualifying investments, no more than 30 percent of the fund's aggregate capital contributions and uncalled committed capital is used for the acquisition of assets other than qualifying investments; ***the 30 percent shall be calculated on the basis of amounts investible after the deduction of all relevant costs;*** holdings in cash and cash equivalents shall not be taken into account for calculating this limit ***as cash and cash equivalents are not to be considered as investments***.

2. The venture capital fund manager ***may*** not ***employ*** at the level of the qualifying venture capital fund ▌ any method by which the exposure of the fund will be increased ***beyond the level of its committed capital***, whether through borrowing of cash or securities, the engagement into derivative positions or by any other means.

2a. The venture capital fund manager may only borrow, issue debt obligations or provide guarantees, at the level of the qualifying venture capital fund, where such borrowings, debt obligations or guarantees are covered by uncalled commitments.

▌

Article 6

1. Venture capital fund managers shall market the units and shares of qualifying venture capital funds exclusively to investors which are considered to be professional clients in accordance with Section I of Annex II of Directive 2004/39/EC or may, on request, be treated as professional clients in accordance with Section II of Annex II of Directive 2004/39/EC, or to other investors where:

(a) those other investors commit to ***investing*** a minimum of EUR 100 000; and

(b) those other investors state in writing, in a separate document from the contract to be concluded for the commitment to invest, that they are aware of the risks associated with the envisaged commitment or investment.

▌

2. Paragraph 1 shall not apply to investments made by executives, directors or employees involved in the management of a venture capital fund manager when investing in the qualifying venture capital funds that they manage.

Article 7

Venture capital fund managers shall, in relation to the qualifying venture capital funds they manage:

(a) act ***honestly,*** with due skill, care and diligence ***and fairly*** in conducting their activities;

(b) apply appropriate policies and procedures for preventing malpractices that might reasonably be expected to affect the interests of investors and the qualifying portfolio undertakings;

(c) conduct their business activities so as to promote the best interests of the qualifying venture capital funds they manage, the investors in those qualifying venture capital funds they manage and the integrity of the market;

(d) apply a high level of diligence in the selection and ongoing monitoring of investments in qualifying portfolio undertakings;

(e) possess adequate knowledge and understanding of the qualifying portfolio undertakings in which they invest;

(ea) treat their investors fairly;

(eb) ensure that no investor obtains preferential treatment, unless such preferential treatment is disclosed in the rules or instruments of incorporation of the qualifying venture capital fund.

Article 7a

1. Where a venture capital fund manager intends to delegate functions to third parties, the manager's liability towards the qualifying venture capital fund and its investors shall not be affected by the fact that the manager has delegated functions to a third party, nor shall the manager delegate to the extent that, in essence, it can no longer be considered to be the manager of the qualifying venture capital fund and to the extent that it becomes a letter-box entity.

2. The delegation must not undermine the effectiveness of supervision of the venture capital fund manager, and, in particular, must not prevent the venture capital fund manager from acting, or the qualifying venture capital fund from being managed, in the best interests of its investors.

Article 8

1. Venture capital fund managers shall identify and avoid conflicts of interest and, where they cannot be avoided, manage and monitor and, in accordance with paragraph 4, disclose ***promptly***, those conflicts of interest in order to prevent them from adversely affecting the interests of the qualifying venture capital funds and their investors and to ensure that the qualifying venture capital funds they manage are fairly treated.

2. The venture capital fund manager shall identify in particular those conflicts of interest that may arise between:

(a) venture capital fund managers, those persons who effectively conduct the business of the venture capital fund manager, employees or any person who directly or indirectly controls or is controlled by the venture capital fund manager, and the qualifying venture capital fund managed by the venture capital fund managers or the investors in those qualifying venture capital funds;

(b) the qualifying venture capital fund or the investors in that qualifying venture capital fund, and another qualifying venture capital fund managed by the same venture capital fund manager or the investors in that other qualifying venture capital fund;

(ba) the qualifying venture capital fund or the investors in that qualifying venture capital fund, and a collective investment undertaking or UCITS managed by the same venture capital fund manager or the investors in that collective investment undertaking or UCITS.

3. Venture capital fund managers shall maintain and operate effective organisational and administrative arrangements in order to comply with the requirements set out in paragraphs 1 and 2.

4. Disclosures of conflicts of interest as referred to in paragraph 1 shall be provided, where organisational arrangements made by the venture capital fund manager to identify, prevent, manage and monitor conflicts of interest are not sufficient to ensure, with reasonable confidence, that risks of damage to investors' interests will be prevented. The venture capital fund managers shall clearly disclose the general nature or sources of conflicts of interest to the investors before undertaking business on their behalf.

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 23 measures specifying:

(a) the types of conflicts of interest as referred to in paragraph 2 of this Article;

(b) the steps venture capital fund managers ***shall*** take, in terms of structures and organisational and administrative procedures in order to identify, prevent, manage, monitor and disclose conflicts of interest.

Article 9

At all times, venture capital fund managers shall have sufficient own funds and use adequate and appropriate human and technical resources as are necessary for the proper management of qualifying venture capital funds.

It shall be incumbent upon the venture capital fund managers, at all times, to ensure that they are able to justify the sufficiency of their own funds to maintain operational continuity and disclose their reasoning as to why these funds are sufficient as specified in Article 12.

Article 10

Rules for the valuation of assets shall be laid down in the ***rules or instruments of incorporation*** of the qualifying venture capital fund ***and shall ensure a sound and transparent valuation process.***

Valuation procedures used shall ensure that the assets are valued properly and that the asset value is calculated at least once a year.

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Article 11

1. The venture capital fund manager shall make available an annual report to the competent authority of the home Member State for each qualifying venture capital fund under management no later than 6 months following the end of the financial year. The report shall describe the composition of the portfolio of the qualifying venture capital fund and the activities of the past year. ***It shall also include a disclosure of the profits of the qualifying venture capital funds by the end of its life time and, where applicable, a disclosure of the profits distributed during its lifetime.*** It shall contain the audited financial accounts for the qualifying venture capital fund. ***The audit shall confirm that money and assets are held in the name of the fund and that the venture capital fund manager has established and maintained adequate records and controls in respect of the use of any mandate or control over the money and assets of the qualifying venture capital fund and its investors, and shall be conducted at least once a year. The annual report*** shall be produced in accordance with existing reporting standards and the terms agreed between the venture capital fund manager and the investors. The venture capital fund manager shall provide the report to investors on request. Venture capital fund managers and investors may agree ***to make*** additional disclosures ***to each other***.

2. Where the venture capital fund manager is required to make public an annual financial report in accordance with Directive 2004/109/EC of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market [1] in relation to the qualifying venture capital fund, the information referred to in paragraph 1 may be provided either separately or as an additional part of the annual financial report.

Article 12

1. Venture capital fund managers shall***, in relation to the qualifying venture capital funds they manage,*** inform their investors***, in a clear and understandable manner,*** about the following elements prior to their investment decision:

(a) the identity of the venture capital fund manager and any other service providers contracted by the venture capital fund manager in relation to their management of the qualifying venture capital funds, and a description of their duties;

(aa) the amount of own funds available to the venture capital fund manager, as well as a detailed statement as to why the venture capital fund manager deems these own funds sufficient for maintaining the adequate human and technical resources necessary for the proper management of its qualifying venture capital funds;

(b) a description of the investment strategy and objectives of the qualifying venture capital fund, including:

(i) the types of the qualifying portfolio undertakings ***in which it intends to invest;***

(ii) any other qualifying venture capital ***funds in which it intends to*** invest***;***

(iii) the types of qualifying portfolio undertakings in which any other qualifying venture capital funds, as referred to in point (ii), intend to invest;

(iv) the non-qualifying investments which it intends to make;

[1] OJ L 390, 31.12.2004, p. 38.

(v) the techniques it ***intends to*** employ***;*** and

(vi) any applicable investment restrictions;

(c) a description of the risk profile of the qualifying venture capital fund and any risks associated with the assets in which the fund may invest or investment techniques that may be employed;

(d) a description of the qualifying venture capital fund's valuation procedure and of the pricing methodology for the valuation of assets, including the methods used for the valuation of qualifying portfolio undertakings;

(e) a description of how the remuneration of the venture capital fund manager is calculated;

(f) a description of all ***relevant costs*** and of the maximum amounts thereof ▌;

(g) where available, the historical performance of the qualifying venture capital fund;

(ga) the business support services and the other support activities the manager of the qualifying venture capital fund is providing or arranging through third parties in order to facilitate the development, growth or in some other respect the on-going operations of the qualifying portfolio undertakings in which the qualifying venture capital fund invests, or, where these services or activities are not provided, an explanation of that fact;

(h) a description of the procedures by which the qualifying venture capital fund may change its investment strategy or investment policy, or both.

1a. All of the information referred to in paragraph 1 shall be fair, clear and not misleading. It shall be kept up-to-date and reviewed regularly where relevant.

2. Where the qualifying venture capital fund is required to publish a prospectus in accordance with Directive 2003/71/EC of the European Parliament and of the Council of 4 November 2003 on the prospectus to be published when securities are offered to the public or admitted to trading [1] or in accordance with national law in relation to the qualifying venture capital fund, the information referred to in paragraph 1 of this Article may be provided either separately or as a part of the prospectus.

CHAPTER III

SUPERVISION, ADMINISTRATIVE COOPERATION

Article 13

1. Venture capital fund managers who intend to use designation '***EuVECA***' for the marketing of their qualifying venture capital funds shall inform the competent authority of their home Member State of this intention and shall provide the following information:

(a) the identity of the persons who effectively conduct the business of managing qualifying venture capital funds;

(b) the identity of the qualifying venture capital funds whose units or shares shall be marketed and their investment strategies;

[1] OJ L 345, 31.12.2003, p. 64.

(c) information on the arrangements made for complying with the requirements of Chapter II;

(d) a list of Member States where the venture capital fund manager intends to market each qualifying venture capital fund;

(da) a list of Member States and third countries where the venture capital fund manager has established, or intends to establish, qualifying venture capital funds.

2. The competent authority of the home Member State shall only register the venture capital fund manager if it is satisfied that ***the following conditions are met:***

(-a) the persons who effectively conduct the business of managing the qualifying venture capital fund are of sufficiently good repute and are sufficiently experienced also in relation to the investment strategies pursued by the manager of the qualifying venture capital fund;

(a) the information required under paragraph 1 is complete;

(b) the arrangements notified according to point (c) of paragraph 1 are suitable in order to comply with the requirements of Chapter II;

(ba) the list notified according to point (e) of paragraph 1 reveals that all of the qualifying venture capital funds are established in accordance with Article 3(a)(iii) of this Regulation.

3. The registration shall be valid for the entire territory of the Union and shall allow venture capital fund managers to market qualifying venture capital funds under the designation '***EuVECA***' throughout the Union.

Article 14

The venture capital fund manager shall inform the competent authority of the home Member State where the venture capital fund manager intends to market:

(a) a new qualifying venture capital fund;

(b) an existing qualifying venture capital fund in a Member State not mentioned in the list referred to in point (d) of Article 13(1).

Article 15

1. Immediately after the registration of a venture capital fund manager, ***the addition of a new qualifying venture capital fund, the addition of a new domicile for the establishment of a qualifying venture capital fund or the addition of a new Member State where the venture capital fund manager intends to market qualifying venture capital funds,*** the competent authority of the home Member State shall notify ***this*** to the Member States indicated in accordance with point (d) of Article 13(1) and to ESMA

2. The host Member States indicated in accordance with point (d) of Article 13(1) shall not impose, on the venture capital fund manager registered in accordance with Article 13, any requirements or administrative procedures in relation to the marketing of its qualifying venture capital funds, nor shall they require any approval of the marketing prior to its commencement.

3. In order to ensure uniform application of this article, ESMA shall develop draft implementing technical standards to determine the format of the notification.

4. ESMA shall submit those draft implementing technical standards to the Commission by … (*).

5. Power is conferred on the Commission to adopt the implementing technical standards referred to in paragraph 3 of this Article in accordance with the procedure laid down in Article 15 of Regulation (EU) No 1095/2010.

Article 16

ESMA shall maintain a central database, publicly accessible on the internet, listing all venture capital fund managers registered in the Union in accordance with this Regulation ***and all qualifying venture capital funds that they market as well as the countries in which they are marketed.***

Article 17

1. The competent authority of the home Member State shall supervise compliance with the requirements set out in this Regulation.

1a. Where the competent authority of the host Member State has clear and demonstrable grounds for believing that the venture capital fund manager is in breach of this Regulation within its territory, it shall promptly inform the competent authority of the home Member State accordingly, which shall take appropriate measures.

1b. If, despite the measures taken by the competent authority of the home Member State or because the competent authority of the home Member State fails to act within a reasonable timeframe, or the venture capital fund manager persists in acting in a manner that is clearly in conflict with this Regulation, the competent authority of the host Member State, may, as a consequence and after informing the competent authority of the home Member State, take all the appropriate measures needed in order to protect investors, including the possibility of preventing the manager concerned from carrying out any further marketing of its venture capital funds within the territory of the host Member State.

Article 18

Competent authorities shall, in conformity with national law, have all supervisory and investigatory powers that are necessary for the exercise of their functions. They shall in particular have the power to:

(a) request access to any document in any form, and to receive or take a copy thereof;

(b) require the venture capital fund manager to provide information without delay;

(c) require information from any person related to the activities of the venture capital fund manager or the qualifying venture capital fund;

(d) carry out on site inspections with or without prior announcements;

(da) take appropriate measures to ensure that a venture capital fund manager continues to comply with the requirements of this Regulation;

(*) ***Nine months after entry into force of this Regulation.***

(e) issue an order to ensure that a venture capital fund manager complies with the requirements of this Regulation and desists from a repetition of any conduct that may consist of a breach of this Regulation.

Article 19

1. Member States shall lay down the rules on administrative sanctions and ***measures*** ▌ applicable to breaches of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The ***administrative sanctions and*** measures ▌ provided for shall be effective, proportionate and dissuasive.

2. By … (*) the Member States shall notify the rules referred to in paragraph 1 to the Commission and ESMA. They shall notify the Commission and ESMA without delay of any subsequent amendment thereto.

Article 20

1. The competent authority of the home Member State shall, ***while respecting the principle of proportionality,*** take the appropriate measures referred to in paragraph 2 where a venture capital fund manager:

(a) fails to comply with the requirements that apply to portfolio composition in breach of Article 5;

(b) ***markets, in breach of Article 6, the units and shares of a*** qualifying venture capital fund to ***non-eligible*** investors ▌;

(c) ***uses the designation 'EuVECA' without being registered*** with the competent authority of their home Member State in ***accordance with*** Article 13***;***

(ca) uses the designation 'EuVECA' for the marketing of funds which are not established in accordance with Article 3(a)(iii) of this Regulation;

(cb) obtained a registration through false statements or any other irregular means in breach of Article 13;

(cc) fails to act honestly with due skill, care and diligence and fairly in conducting their business in breach of Article 7(a);

(cd) fails to apply appropriate policies and procedures for preventing malpractices in breach of Article 7(b);

(ce) repeatedly fails to comply with the requirements under Article 11 regarding the annual report;

(cf) repeatedly fails to comply with the obligation to inform investors in accordance with Article 12.

2. In the cases referred to in paragraph 1 the competent authority of the home Member State shall take the following measures, as appropriate:

(-a) take measures to ensure that a venture capital fund manager complies with Articles 3(a)(iii), 5, 6, 7(a), 7(b), 11, 12 and 13 of this Regulation;

(*) 24 months after entry into force of this Regulation.

(a) prohibit the use of the designation '***EuVECA***' ***and*** remove the venture capital fund manager from the register.

3. The competent authority of the home Member State shall inform the competent authorities of the host Member States indicated in accordance with point (d) of Article 13(1) ***and ESMA without delay*** of the removal of the venture capital fund manager from the register referred to in ***point (a)*** of paragraph 2 of this Article

4. The right to market one or more qualifying venture capital funds under the designation '***EuVECA***' in the Union expires with immediate effect from the date of the decision of the competent authority referred to in ***point (a)*** of paragraph 2.

Article 21

1. Competent authorities and ESMA shall cooperate with each other ▌for the purpose of carrying out their respective duties under this Regulation ***in accordance with Regulation (EU) No 1095/2010***.

2. ***Competent authorities and ESMA*** shall exchange all information and documentation necessary to ***carry out their respective duties under this Regulation in accordance with Regulation (EU) No 1095/2010, in particular to*** identify and remedy breaches of this Regulation.

Article 22

1. All persons who work or who have worked for the competent authorities or ESMA, as well as auditors and experts instructed by the competent authorities, are bound by the obligation of professional secrecy. No confidential information which those persons receive in the course of their duties shall be divulged to any person or authority whatsoever, save in summary or aggregate form such that venture capital fund managers and qualifying venture capital funds cannot be individually identified, without prejudice to cases covered by criminal law and proceedings under this Regulation.

2. The competent authorities of the Member States or ESMA shall not be prevented from exchanging information in accordance with this Regulation or other Union law applicable to venture capital fund managers and qualifying venture capital funds.

3. Where competent authorities and ESMA receive confidential information in accordance with paragraph 2, they may use it only in the course of their duties and for the purpose of administrative and judicial proceedings.

Article 22a

Dispute settlement

In case of disagreement between competent authorities of Member States on an assessment, action or omission of one competent authority in areas where this Regulation requires cooperation or coordination between competent authorities from more than one Member State, competent authorities may refer the matter to ESMA, which may act in accordance with the powers conferred on it under Article 19 of Regulation (EU) No 1095/2010, in so far as the disagreement is not related to Article 3(a)(iii) or Article 3(d)(iv) of this Regulation.

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CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

Article 23

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in ▌Article 8(5) shall be conferred on the Commission for a period of four years from … (*). The Commission shall draw up a report in respect of the delegation of powers not later than nine months before the end of the four-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 8(5) 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 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 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 8(5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of ***three 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 ***three months*** at the initiative of the European Parliament or the Council.

Article 24

1. At the latest four years after the date of application of this Regulation, the Commission shall review this Regulation. The review shall include a general survey of the functioning of the rules in this Regulation and the experience acquired in applying them, including:

(a) the extent to which the designation **'*EuVECA*'** has been used by venture capital fund managers in different Member States, whether domestically or on a cross border basis;

(aa) the geographical location of qualifying venture capital funds and whether additional measures are necessary to ensure that qualifying venture capital funds are established in accordance with Article 3(a)(iii);

(ab) the geographical and sectoral distribution of investments undertaken by European venture capital funds;

(ac) the use of the different qualifying investments by venture capital fund managers and especially whether there is a need to adjust the qualifying investments in this Regulation;

(b) ***the possibility of extending the marketing of European venture capital funds to retail investors;***

(*) Entry into force of this Regulation.

(ba) the appropriateness of complementing this Regulation with a depositary regime;

(bb) the appropriateness of the information requirements under Article 12, in particular whether they are sufficient to enable investors to take an informed investment decision;

(bc) the effectiveness, proportionality and application of administrative sanctions and measures provided for by Member States in accordance with this Regulation;

(bd) the impact of this Regulation on the venture capital market;

(be) an evaluation of any barriers that may have impeded the uptake of the funds by investors, including the impact on institutional investors of other Union legislation of a prudential nature.

2. ***Following the review referred to in paragraph 1 and*** after consulting ESMA the Commission shall submit a report to the European Parliament and the Council accompanied, if appropriate, by a legislative proposal.

Article 24a

1. By 22 July 2017, the Commission shall start a review of the interaction between this Regulation and other rules on collective investment undertakings and their managers, especially those of Directive 2011/61/EU. This review shall address the scope of this Regulation. It shall gather data for assessing whether it is necessary to extend the scope to allow for managers who manage venture capital funds the total assets of which exceed the threshold provided for in Article 2(1) to become venture capital fund managers in accordance with this Regulation.

2. Following the review referred to in paragraph 1 and after consulting ESMA the Commission shall submit a report to the European Parliament and the Council accompanied, if appropriate, by a legislative proposal.

Article 25

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

It shall apply from the 22 July 2013, except for ▌Article 8(5), which shall apply from the date of entry into force of this Regulation.

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

Done at …

For the European Parliament	*For the Council*
The President	*The President*

Thursday 13 September 2012

Implementation of the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the EU and Colombia and Peru ***I

P7_TA(2012)0347

Amendments adopted by the European Parliament on 13 September 2012 on the proposal for a regulation of the European Parliament and of the Council implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and Colombia and Peru (COM(2011)0600 – C7-0307/2011 – 2011/0262(COD)) [1]

(2013/C 353 E/51)

(Ordinary legislative procedure: first reading)

TEXT PROPOSED BY THE COMMISSION	AMENDMENT
Amendment 1 **Proposal for a regulation** **Recital 3 a (new)**	
	(3a) It is necessary to create appropriate safety mechanisms to prevent serious harm to Union banana growing, a sector which is of great importance to the end agricultural production of many of the outermost regions. The limited ability of these regions to diversify, owing to their natural characteristics, makes the banana sector particularly vulnerable. It is therefore essential to create effective mechanisms to address preferential imports from third countries, in order to guarantee that Union banana production, which is a crucial employment sector especially in the outermost regions, is maintained under the best possible conditions.
Amendment 2 **Proposal for a regulation** **Recital 4 a (new)**	
	(4a) Close monitoring of banana imports will facilitate any timely decision concerning activation of the stabilisation mechanism for bananas, the launch of an investigation or the imposition of safeguard measures. The Commission should, therefore, step up regular monitoring of imports in the banana sector from the date of application of the Agreement.
Amendment 3 **Proposal for a regulation** **Recital 5**	
(5) Safeguard measures should be considered only if the product in question is imported into the Union in such increased quantities, in absolute terms or relative to Union production, and under such conditions as to cause, or threaten to cause, serious injury to Union producers of like or directly competitive products as laid down in Article 48 of the Agreement.	(5) Safeguard measures should be considered only if the product in question is imported into the Union in such increased quantities, in absolute terms or relative to Union production, and under such conditions as to cause, or threaten to cause, serious injury to Union producers of like or directly competitive products as laid down in Article 48 of the Agreement. ***Pursuant to Article 349 of the Treaty on the***

[1] The matter was referred back to the committee responsible for reconsideration pursuant to Rule 57(2), second subparagraph (A7-0249/2012).

TEXT PROPOSED BY THE COMMISSION	AMENDMENT
	Functioning of the European Union and with regard to the products and economic sectors of the outermost regions, safeguard measures should be introduced as soon as imports into the Union of the product in question cause or threaten to cause injury to producers of like or directly competitive products in the outermost regions of the Union.

Amendment 4

Proposal for a regulation
Recital 5 a (new)

	(5a) Serious injury or the threat of serious injury to Union producers may also be caused by the non-fulfilment of specific obligations under Title IX on "Trade and Sustainable Development" of the Agreement – particularly in respect of the social and environmental standards laid down therein.

Amendment 5

Proposal for a regulation
Recital 6

(6) Safeguard measures should take one of the forms referred to in Article 50 of the Agreement.	(6) Safeguard measures should take one of the forms referred to in Article 50 of the Agreement. ***Specific safeguard measures should be provided for when there is a threat to the products or economic sectors of the outermost regions, pursuant to Article 349 of the Treaty on the Functioning of the European Union.***

Amendment 6

Proposal for a regulation
Recital 7 a (new)

	(7a) The Commission should submit a report once a year on the implementation of the Agreement and the application of the safeguard measures and the banana stabilisation mechanism, which should include up-to-date and reliable statistics on imports from Colombia and Peru and an assessment of their impact on market prices, employment, working conditions in the Union and the evolution of the Union's production sector, paying special attention to small-size producers and cooperatives. The Commission should do its utmost to include an analysis of the impact of the Agreement and this Regulation on organic production and consumption in the Union and Fair-Trade flows between all parties to the Agreement.

Amendment 7

Proposal for a regulation
Recital 7 b (new)

	(7b) The extraordinary challenges in Colombia and Peru as regards human, social, labour and environmental rights in connection with products from Colombia and Peru demand a close dialogue between the Commission and EU civil society organisations.

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TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 8

Proposal for a regulation
Recital 8

(8) There should be detailed provisions on the initiation of proceedings. The Commission should receive information including available evidence from the Member States of any trends in imports which might call for the application of safeguard measures.	(8) There should be detailed provisions on the initiation of proceedings. The Commission should receive information including available evidence from the Member States ***and interested parties and request from the sectors involved, information*** of any trends in imports which might call for the application of safeguard measures.

Amendment 9

Proposal for a regulation
Recital 8 a (new)

	(8a) In the event that the European Parliament adopts a recommendation to initiate a safeguard investigation, the Commission will carefully examine whether the conditions under the Regulation for ex-officio initiation are fulfilled. In the event that the Commission considers that the conditions are not fulfilled, it will present a report to the responsible committee of the European Parliament including an explanation of all the factors relevant to the initiation of such an investigation.

Amendment 10

Proposal for a regulation
Recital 10 a (new)

	(10a) The tasks of following up and reviewing the Agreement and, if necessary, imposing safeguard measures should be carried out in the most transparent manner possible and with the involvement of civil society. To that end, Union labour and environment or sustainable development committees need to be included at every stage of the process.

Amendment 11

Proposal for a regulation
Recital 10 b (new)

	(10b) In some cases, an increase of imports concentrated in one or several of the Union's outermost regions may cause or threaten to cause serious deterioration in their economic situation. In the event that there is an increase of imports concentrated in one or several of the Union's outermost regions, the Commission may introduce prior surveillance measures.

Amendment 12

Proposal for a regulation
Recital 14

(14) Safeguard measures should be applied only to the extent, and for such time, as may be necessary to prevent serious injury and to facilitate adjustment. The maximum duration of safeguard measures should be determined and specific provisions regarding extension and review of such measures should be laid down, as referred to in Article 52 of the Agreement.	(14) Safeguard measures should be applied only to the extent, and for such time, as may be necessary to prevent serious injury and to facilitate adjustment. The maximum duration of safeguard measures should be determined and specific provisions regarding extension and review of such measures should be laid down, as referred to in Article 52 of the Agreement. ***Specific provisions should apply with regard to***

TEXT PROPOSED BY THE COMMISSION	AMENDMENT
	safeguard measures triggered to protect produce and economic sectors in the outermost regions, in accordance with Article 349 of the Treaty on the Functioning of the European Union.

Amendment 13

Proposal for a regulation
Recital 14 a (new)

	(14a) Close monitoring should facilitate any timely decision concerning the possible initiation of an investigation or the imposition of measures. Therefore the Commission should regularly monitor imports and exports in sensitive sectors, such as bananas, from the date of application of the Agreement.

Amendment 14

Proposal for a regulation
Recital 14 b (new)

	(14b) The importance of complying with the international labour standards drawn up and supervised by the International Labour Organisation should be stressed. Defending decent work for all should be an absolute priority and bananas imported from Colombia or Peru should be produced under decent social and environmental conditions and for a fair wage to ensure that Union producers are not the victims of dumping, a disadvantage they would not be in a position to compensate for and which would permanently damage their competitiveness in the global banana market.

Amendment 15

Proposal for a regulation
Recital 16 a (new)

	(16a) The Commission should make diligent and effective use of the Stabilisation Mechanism for Bananas in order to avoid a threat of serious deterioration or a serious deterioration for producers in the outermost regions in the Union and, from January 2020, use existing instruments such as the safeguard clause or, if necessary, think about developing new instruments which, in the event of serious market disruption, will make it possible to preserve the competitiveness of production sectors in the Union and particularly in the outermost regions.

Amendment 16

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

	(ea) "serious deterioration" means significant disturbances in a sector or industry; "threat of serious deterioration" means significant disturbances that are clearly imminent.

Thursday 13 September 2012

TEXT PROPOSED BY THE COMMISSION	AMENDMENT
Amendment 17 **Proposal for a regulation** **Article 2 a (new)**	
	Article 2a
	Monitoring
	1. The Commission shall monitor the evolution of import and export statistics of Colombian and Peruvian products, in particular in sensitive sectors including bananas. For this purpose, it shall cooperate and exchange data on a regular basis with Member States and the Union industry and all interested parties.
	2. Upon a duly justified request by the industries concerned, the Commission may consider extending the scope of the monitoring to other sectors.
	3. The Commission shall present an annual monitoring report to the European Parliament and the Council on updated statistics on imports from Colombia and Peru of products in the sensitive sectors and those sectors to which monitoring has been extended, including bananas.
	4. In its monitoring report, the Commission shall do its utmost to include the employment rates and working conditions for banana producers in Colombia and Peru in order to avoid all forms of dumping.
Amendment 18 **Proposal for a regulation** **Article 2 b (new)**	
	Article 2b
	Dialogue on the implementation and impact of the Agreement
	The Commission shall establish a systematic dialogue with civil society organisations as regards the implementation and impact of the Agreement.
Amendment 19 **Proposal for a regulation** **Article 3 – paragraph 1**	
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 prima facie evidence, as determined on the basis of factors referred to in Article 4(5), to justify such initiation.	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, ***by the European Parliament*** or on the Commission's own initiative if it is apparent to the Commission that there is sufficient prima facie evidence, as determined on the basis of factors referred to in Article 4(5), to justify such initiation.

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 20

Proposal for a regulation
Article 3 – paragraph 3

3. 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 prima facie evidence that the conditions for initiation are met, as determined on the basis of factors referred to in Article 4(5).	3. An investigation may also be initiated in the event that there is a surge of imports concentrated in one or several Member States ***or outermost regions,*** provided that there is sufficient prima facie evidence that the conditions for initiation are met, as determined on the basis of factors referred to in Article 4(5).

Amendment 21

Proposal for a regulation
Article 4 – paragraph 5

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

Amendment 22

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

	5a. Moreover, in the investigation, the Commission shall evaluate, the observance by Colombia and Peru of the social and environmental standards laid down in Title IX of the Agreement and any consequences on prices or unfair competitive advantages potentially leading to serious injury or the threat of serious injury to producers or specific sectors of the economy in the Union.

Amendment 23

Proposal for a regulation
Article 9 – paragraph 4

4. Any extension pursuant to paragraph 3 shall be preceded by an investigation upon a 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 there is sufficient prima facie evidence that the conditions laid down in paragraph 3 are met, on the basis of factors referred to in Article 4(5).	4. Any extension pursuant to paragraph 3 shall be preceded by an investigation upon a request by a Member State, by any legal person or any association not having legal personality, acting on behalf of the Union industry, ***by the European Parliament*** or on the Commission's own initiative if there is sufficient prima facie evidence that the conditions laid down in paragraph 3 are met, on the basis of factors referred to in Article 4(5).

Thursday 13 September 2012

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 24

Proposal for a regulation
Article 11 a (new)

	Article 11a
	Report
	1. The Commission shall present an annual report on the application and implementation of the Agreement and 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 the Agreement and fulfilment of the obligations arising therefrom, including information received from interested parties.
	2. The report shall include up-to- date statistics on banana imports from Colombia and Peru and their direct and indirect impact on the development of employment and working conditions in the Union production sector.
	3. Special sections of the report shall assess the fulfilment of obligations under Title IX of the Agreement, and action taken in that respect by Colombia and Peru under their internal mechanisms and the results of the dialogue with civil society organisations as laid down in Article 282 of the Agreement.
	4. The report shall also present a summary of the statistics and the evolution of trade with Colombia and Peru.
	5. 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.

Amendment 25

Proposal for a regulation
Article 12 – paragraph 4 a (new)

	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.

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 26

Proposal for a regulation
Article 12 a (new)

	CHAPTER I A
	Article 12a
	The applicable provision for the purposes of adopting the necessary implementing rules for the application of the rules contained in Appendix 2A of the Annex II to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part "Concerning the Concept of 'Originating Products' and Methods of Administrative Co-operation" and Appendix 2 of Annex I "Elimination of customs duties" of the Agreement is Article 247a of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code.

Amendment 27

Proposal for a regulation
Article 13 – paragraph 1 a (new)

	1a. The application of the stabilisation mechanism for bananas shall under no circumstances prevent the activation of measures included in the bilateral safeguard clause.

Amendment 28

Proposal for a regulation
Article 13 – paragraph 2

2. A separate annual trigger import volume is set for imports of products mentioned in paragraph 1, as indicated in the third and fourth columns of the table in the Annex to this Regulation. Once the trigger volume for either Colombia or Peru is met during the corresponding calendar year, the Commission ***may***, in accordance with the examination procedure referred to in Article 12(3), temporarily suspend the preferential customs duty applied to products of the corresponding origin during that same year for a period of time not exceeding three months, and not going beyond the end of the calendar year.	2. A separate annual trigger import volume is set for imports of products mentioned in paragraph 1, as indicated in the third and fourth columns of the table in the Annex to this Regulation. Once the trigger volume for either Colombia or Peru is met during the corresponding calendar year, the Commission ***shall***, in accordance with the examination procedure referred to in Article 12(3), temporarily suspend the preferential customs duty applied to products of the corresponding origin during that same year for a period of time not exceeding three months, and not going beyond the end of the calendar year. ***Only reasons of force majeure shall prevent the suspension from being imposed.***

Amendment 29

Proposal for a regulation
Article 13 – paragraph 5 a (new)

	5a. The Commission shall closely monitor the evolution of statistics for banana imports from Colombia and Peru. For this purpose, the Commission shall cooperate and exchange information on a regular basis with the Member States and interested parties.
	Upon a duly reasoned request from a Member State, the Union industry, the European Parliament or any interested party, the Commission shall pay particular attention to any noticeable increase in banana imports from Colombia and Peru and, if appropriate under the terms of Article 5, shall introduce prior surveillance measures.

Thursday 13 September 2012

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 30

Proposal for a regulation
Article 13 – paragraph 5 b (new)

	5b. Prior surveillance measures shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 12(2) when the trigger volume for the mechanism is reached during the corresponding calendar year.

Amendment 31

Proposal for a regulation
Article 13 – paragraph 5 c (new)

	5c. The European Parliament may invite the Commission, within one month of the publication of the latter's report, to an ad hoc meeting of its responsible committee to present and explain any issues related to the implementation of the Agreement which affect the banana sector.

Implementation of the bilateral safeguard clause and the stabilisation mechanism for bananas of the Association Agreement between the EU and Central America ***I

P7_TA(2012)0348

Amendments adopted by the European Parliament on 13 September 2012 on the proposal for a regulation of the European Parliament and of the Council implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Agreement establishing an Association between the European Union and its Member States on the one hand, and Central America on the other (COM(2011)0599 – C7-0306/2011 – 2011/0263(COD)) [1]

(2013/C 353 E/52)

(Ordinary legislative procedure: first reading)

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 1

Proposal for a regulation
Recital 3

(3) It is necessary to lay down the procedures ***for applying*** certain provisions of the Agreement which concern the bilateral safeguard clause and for applying the Stabilisation Mechanism for Bananas that has been agreed with Central America.	(3) It is necessary to lay down the ***most appropriate*** procedures ***to guarantee the effective application of*** certain provisions of the Agreement which concern the bilateral safeguard clause and for applying the Stabilisation Mechanism for Bananas that has been agreed with Central America.

[1] The matter was referred back to the committee responsible for reconsideration pursuant to Rule 57(2), second subparagraph (A7-0237/2012).

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 2

Proposal for a regulation
Recital 3 a (new)

	(3a) It is necessary to create appropriate safeguard mechanisms to prevent serious harm to Union banana growing, a sector which is of great importance to the end agricultural production of many of the outermost regions. The limited ability of these regions to diversify, owing to their natural characteristics, makes the banana sector particularly vulnerable. It is therefore essential to create effective mechanisms to address preferential imports from third countries, in order to guarantee that Union banana production is maintained under the best possible conditions, as it is a crucial employment sector in certain areas, especially in the outermost regions.

Amendment 3

Proposal for a regulation
Recital 4 a (new)

	(4a) Serious injury or the threat of serious injury to Union producers may also be caused by the non-fulfilment of specific obligations under Title VIII on "Trade and Sustainable Development" of Part IV of the Agreement – particularly in respect of the labour and environmental standards laid down therein – thus necessitating the imposition of safeguard measures.

Amendment 4

Proposal for a regulation
Recital 5

(5) Safeguard measures should be considered only if the product in question is imported into the Union in such increased quantities, in absolute terms or relative to Union production, and under such conditions as to cause, or threaten to cause, serious injury to Union producers of like or directly competitive products as laid down in Article 104 of the Agreement.	(5) Safeguard measures should be considered only if the product in question is imported into the Union in such increased quantities, in absolute terms or relative to Union production, and under such conditions as to cause, or threaten to cause, serious injury to Union producers of like or directly competitive products as laid down in Article 104 of the Agreement. ***Pursuant to Article 349 of the Treaty on the Functioning of the European Union and with regard to the products and economic sectors of the outermost regions, safeguard measures should be introduced as soon as imports into the Union of the product in question cause or threaten to cause injury to producers of like or directly competitive products in the outermost regions of the Union.***

Amendment 5

Proposal for a regulation
Recital 6

(6) Safeguard measures should take one of the forms referred to in Article 104(2) of the Agreement.	(6) Safeguard measures should take one of the forms referred to in Article 104(2) of the Agreement. ***Specific safeguard measures should be provided for when there is a threat to the products or economic sectors of the outermost regions, pursuant to Article 349 of the Treaty on the Functioning of the European Union.***

Thursday 13 September 2012

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 6

Proposal for a regulation
Recital 7

(7) The tasks of carrying out investigations and, if necessary, imposing safeguard measures should be carried out in the most transparent manner possible.	(7) The tasks of ***following up and reviewing the Agreement and*** carrying out investigations and, if necessary, imposing safeguard measures should be carried out in the most transparent manner possible.

Amendment 7

Proposal for a regulation
Recital 8

(8) There should be detailed provisions on the initiation of proceedings. The Commission should receive information including available evidence from the Member States of any trends in imports which might call for the application of safeguard measures.	(8) There should be detailed provisions on the initiation of proceedings. The Commission should receive information including available evidence from the Member States ***and interested parties*** of any trends in imports which might call for the application of safeguard measures.

Amendment 8

Proposal for a regulation
Recital 8 a (new)

	(8a) In the event that the European Parliament adopts a recommendation to initiate a safeguard investigation, the Commission will carefully examine whether the conditions under the Regulation for ex-officio initiation are fulfilled. In the event that the Commission considers that the conditions are not fulfilled, it will present a report to the responsible committee of the European Parliament including an explanation of all the factors relevant to the initiation of such an investigation.

Amendment 9

Proposal for a regulation
Recital 10 a (new)

	(10a) In some cases, an increase of imports concentrated in one or several of the Union's outermost regions or Member States may cause or threaten to cause serious injury or serious deterioration in their economic situation. In the event that there is an increase of imports concentrated in one or several of the Union's outermost regions or Member States, the Commission may introduce prior surveillance measures.

Amendment 10

Proposal for a regulation
Recital 12

(12) It is also necessary, pursuant to 112 of the Agreement, to set time limits for the initiation of investigations and for determinations as to whether or not measures are appropriate, with a view to ensuring that such determinations are made quickly, in order to increase legal certainty for the economic operators concerned.	(12) It is also necessary, pursuant to *Article* 112 of the Agreement, to set time limits for the initiation of investigations and for determinations as to whether or not measures are appropriate, with a view to ensuring that such determinations are made quickly, in order to increase legal certainty for the economic operators concerned ***and to ensure that the measures are effective.***

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 11

Proposal for a regulation
Recital 14

(14) Safeguard measures should be applied only to the extent, and for such time, as may be necessary to prevent serious injury and to facilitate adjustment. The maximum duration of safeguard measures should be determined and specific provisions regarding extension and review of such measures should be laid down, as referred to in Article 105 of the Agreement.	(14) Safeguard measures should be applied only to the extent, and for such time, as may be necessary to prevent serious injury and to facilitate adjustment. The maximum duration of safeguard measures should be determined and specific provisions regarding extension and review of such measures should be laid down, as referred to in Article 105 of the Agreement. ***Specific provisions should apply with regard to safeguard measures triggered to protect produce and economic sectors in the outermost regions, in accordance with Article 349 of the Treaty on the Functioning of the European Union.***

Amendment 12

Proposal for a regulation
Recital 14 a (new)

	(14a) Close monitoring will facilitate any timely decision concerning the possible initiation of an investigation or the imposition of measures. Therefore the Commission should regularly monitor imports and exports in sensitive sectors, including bananas, from the date of application of the Agreement.

Amendment 13

Proposal for a regulation
Recital 14 b (new)

	(14b) The importance of adhering to the international labour standards drawn up and supervised by the International Labour Organisation should be stressed. Defending decent work for all should be an absolute priority and bananas imported from Central America should be produced under decent social and environmental conditions and for a fair wage to ensure Union producers are not the victims of dumping, a disadvantage they would not be in a position to compensate for and which would permanently damage their competitiveness in the global banana market.

Amendment 14

Proposal for a regulation
Recital 16 a (new)

	(16a) The Commission should submit a report once a year on the implementation of the Agreement and on the application of the safeguard measures and the banana stabilisation mechanism, which should include up-to-date and reliable statistics on imports from Central America and an assessment of their impact on market prices, employment, working conditions in the Union and the evolution of the Union's production sector, paying special attention to small-size producers and cooperatives. The Commission should do its utmost to include an analysis of the impact of the Agreement and this Regulation on organic production and consumption in the Union and Fair-Trade flows between all parties to the Agreement.

Thursday 13 September 2012

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 15

Proposal for a regulation
Recital 16 b (new)

	(16b) The Commission should make diligent and effective use of the Stabilisation Mechanism for Bananas in order to avoid a threat of serious deterioration or a serious deterioration for producers in the outermost regions in the Union and, from January 2020, use existing instruments such as the safeguard clause or, if necessary, think about developing new instruments which, in the event of serious market disruption, will make it possible to preserve the competitiveness of production sectors in the Union and particularly in the outermost regions.

Amendment 16

Proposal for a regulation
Article 1 - point b

(b) "interested parties" means parties affected by the imports of the product in question;	(b) "interested parties" means parties affected by the imports of the product in question, ***including civil society organisations, NGOs and workers' organisations***;

Amendment 17

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

	(ea) "serious deterioration" means significant disturbances in a sector or industry; "threat of serious deterioration" means significant disturbances that are clearly imminent.

Amendment 18

Proposal for a regulation
Article 2 a (new)

	Article 2a
	Monitoring
	1. The Commission shall monitor the evolution of import and export statistics of Central American products, in particular in sensitive sectors including bananas. For this purpose, it shall cooperate and exchange data on a regular basis with Member States and the Union industry and all interested parties.
	2. Upon a duly justified request by the industries concerned, the Commission may consider extending the scope of the monitoring to other sectors.
	3. The Commission shall present an annual monitoring report to the European Parliament and the Council on updated statistics on imports from Central America of products in the sensitive sectors and those sectors to which monitoring has been extended, including bananas.

TEXT PROPOSED BY THE COMMISSION	AMENDMENT
	4. In its monitoring report, the Commission shall do its utmost to include the employment rates and working conditions for banana producers in Central America to avoid all forms of dumping.

Amendment 19

Proposal for a regulation
Article 3 – paragraph 1

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 prima facie evidence, as determined on the basis of factors referred to in Article 4(5), to justify such initiation.	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, ***by the European Parliament,*** or on the Commission's own initiative if it is apparent to the Commission that there is sufficient prima facie evidence, as determined on the basis of factors referred to in Article 4(5), to justify such initiation.
	When appropriate, the European Parliament may consult and source analysis from independent bodies, such as trade unions, the ILO, academics or human rights organisations.

Amendment 20

Proposal for a regulation
Article 3 – paragraph 2

2. The request to initiate an investigation shall contain evidence that the conditions for imposing the safeguard measure set out in Article 2(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 and changes in the level of sales, production, productivity, capacity utilisation, profits and losses, ***and*** employment.	2. The request to initiate an investigation shall contain evidence that the conditions for imposing the safeguard measure set out in Article 2(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 and changes in the level of sales, production, productivity, capacity utilisation, profits and losses, employment ***and working conditions.***

Amendment 21

Proposal for a regulation
Article 3 – paragraph 3

3. 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 prima facie evidence that the conditions for initiation are met, as determined on the basis of factors referred to in Article 4(5).	3. An investigation may also be initiated in the event that there is a surge of imports concentrated in one or several Member States ***or outermost regions***, provided that there is sufficient prima facie evidence that the conditions for initiation are met, as determined on the basis of factors referred to in Article 4(5).

Amendment 22

Proposal for a regulation
Article 4 – paragraph 4

4. The Commission shall seek all information it considers necessary to make a determination with regard to the conditions set out in Article 2(1), and, ***where it considers it appropriate,*** endeavour to verify that information.	4. The Commission shall seek all information it considers necessary to make a determination with regard to the conditions set out in Article 2(1) and endeavour to verify that information.

Thursday 13 September 2012

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 23

Proposal for a regulation
Article 4 – paragraph 5

5. In the investigation the Commission shall evaluate all relevant factors of an objective and quantifiable nature having a bearing on the situation of the Union industry, in particular, the rate and amount of the increase in imports of the product concerned in absolute and relative terms, the share of the domestic market taken by increased imports and changes in the level of sales, production, productivity, capacity utilisation, profits and losses, and employment. This list is not exhaustive and other relevant factors may also be taken into consideration by the Commission for its determination of the existence of serious injury or threat of serious injury, such as stocks, prices, return on capital employed, cash flow, and other factors which are causing or may have caused serious injury, or threaten to cause serious injury to the Union industry.	5. In the investigation the Commission shall evaluate all relevant factors of an objective and quantifiable nature having a bearing on the situation of the Union industry, in particular, the rate and amount of the increase in imports of the product concerned in absolute and relative terms, the share of the domestic market taken by increased imports and changes in the level of sales, production, productivity, capacity utilisation, profits and losses, and employment. This list is not exhaustive and other relevant factors may also be taken into consideration by the Commission for its determination of the existence of serious injury or threat of serious injury, such as stocks, prices, return on capital employed, cash flow, and other factors which are causing or may have caused serious injury, or threaten to cause serious injury to the Union industry***, such as meeting the trigger volumes described within the framework of the stabilisation mechanism for bananas included in Chapter II of this Regulation***.

Amendment 24

Proposal for a regulation
Article 4 – paragraph 7

7. The Commission shall ensure that all data and statistics which are used for the investigation are available, comprehensible, transparent and verifiable.	7. The Commission shall ensure that all data and statistics which are used for the investigation are available, comprehensible, transparent***, up-to-date, reliable*** and verifiable.

Amendment 25

Proposal for a regulation
Article 5 – paragraph 1 a (new)

	1a. In the event that there is a surge of imports of products falling into sensitive sectors concentrated in one or several Member States or outermost regions, the Commission may introduce prior surveillance measures.

Amendment 26

Proposal for a regulation
Article 9 – paragraph 4

4. Any extension pursuant to paragraph 3 shall be preceded by an investigation upon a 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 there is sufficient prima facie evidence that the conditions laid down in paragraph 3 are met, on the basis of factors referred to in Article 4(5).	4. Any extension pursuant to paragraph 3 shall be preceded by an investigation upon a request by a Member State, by any legal person or any association not having legal personality, acting on behalf of the Union industry, ***by interested parties, by the European Parliament,*** or on the Commission's own initiative if there is sufficient prima facie evidence that the conditions laid down in paragraph 3 are met, on the basis of factors referred to in Article 4(5).

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 27

Proposal for a regulation
Article 11 a (new)

	Article 11a
	Report
	1. The Commission shall present an annual report on the application and implementation of the Agreement and 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 the Agreement and fulfilment of the obligations arising therefrom, including information received from interested parties.
	2. Special sections of the report shall deal with the fulfilment of obligations under Title VIII "Trade and Sustainable development" of Part IV of the Agreement and with action taken in that respect by Central America under its internal mechanisms and by the Civil Society Dialogue Forum.
	3. The report shall also present a summary of the statistics and the evolution of trade with Central America.
	4. The report shall include up-to-date and reliable statistics on banana imports from Central America and their direct and indirect impact on the development of employment and working conditions in the Union production sector.
	5. 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 and this Regulation.
	6. No later than three months after presenting the report to the European Parliament, the Commission shall make the report public.

Amendment 28

Proposal for a regulation
Article 12 – paragraph 4 a (new)

	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.

Thursday 13 September 2012

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 29

Proposal for a regulation
Chapter I a – Article 12 a (new)

	Chapter Ia
	Article 12a
	12 a. The applicable provision for the purposes of adopting the necessary implementing rules for the application of the rules contained in Appendix 2A of Annex II "Concerning the Concept of 'Originating Products' and Methods of Administrative Co-operation" and Appendix 2 of Annex I "Elimination of customs duties" of the Agreement is Article 247a of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code.

Amendment 30

Proposal for a regulation
Article 13 – paragraph 1 a (new)

	1a. The application of the stabilisation mechanism for bananas shall under no circumstances prevent the activation of measures included in the bilateral safeguard clause.

Amendments 31 and 32

Proposal for a regulation
Article 13 – paragraph 2

2. A separate annual trigger import volume is set for imports from Central American country for products mentioned in paragraph 1 as indicated in the table in the Annex to this Regulation. The importation of the products mentioned in paragraph 1 at the preferential customs duty rate shall, in addition to the proof of origin established under Annex III (Definition of the concept of 'originating products' and methods of administrative co-operation) of the Agreement with Central America, be subject to the presentation of an export certificate issued by the competent authority of the Republic of the Central American country from which the products are exported. Once the trigger volume is met during the corresponding calendar year, the Commission ***may***, ***in accordance with the examination procedure referred to in Article 12(3),*** temporarily suspend the preferential customs duty during that same year for a period of time not exceeding three months, and not going beyond the end of the calendar year.	2. A separate annual trigger import volume is set for imports from Central American country for products mentioned in paragraph 1 as indicated in the table in the Annex to this Regulation. The importation of the products mentioned in paragraph 1 at the preferential customs duty rate shall, in addition to the proof of origin established under Annex III (Definition of the concept of "originating products" and methods of administrative co-operation) of the Agreement with Central America, be subject to the presentation of an export certificate issued by the competent authority of the Republic of the Central American country from which the products are exported. ***This requirement to present an export certificate should not, however, result in additional red tape, higher costs or other de facto trade restrictions affecting the exporter.*** Once the trigger volume is met during the corresponding calendar year, the Commission ***shall*** temporarily suspend the preferential customs duty during that same year for a period of time not exceeding three months, and not going beyond the end of the calendar year. ***Only reasons of force majeure shall prevent the suspension from being imposed.***

TEXT PROPOSED BY THE COMMISSION	AMENDMENT

Amendment 33

Proposal for a regulation
Article 13 – paragraph 5 a (new)

	5a. The Commission shall closely monitor the evolution of statistics for banana imports from Central America. Employment rates and working conditions, as well as organic production and consumption and Fair-Trade flows shall be part of the monitoring process. For this purpose, the Commission shall cooperate and exchange information on a regular basis with the Member States, the Union industries and interested parties.

Amendment 34

Proposal for a regulation
Article 13 – paragraph 5 b (new)

	5b. Upon a duly reasoned request from the European Parliament, a Member State, the Union industry, any interested party or on its own initiative, the Commission shall pay particular attention to any noticeable increase in banana imports from Central America and, if appropriate under the terms of Article 5, shall take prior surveillance measures.

Amendment 35

Proposal for a regulation
Article 13 – paragraph 5 c (new)

	5c. Prior surveillance measures shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 12(2) when the trigger volume for the mechanism is reached during the corresponding calendar year.

Amendment 36

Proposal for a regulation
Article 13 – paragraph 5 d (new)

	5d. The European Parliament may invite the Commission, within one month of the publication of the latter's report, to an ad hoc meeting of Parliament's responsible committee to present and explain any issues related to implementation of the Agreement which affect the banana sector.

Thursday 13 September 2012

Permitted uses of orphan works ***I

P7_TA(2012)0349

European Parliament legislative resolution of 13 September 2012 on the proposal for a directive of the European Parliament and of the Council on certain permitted uses of orphan works (COM(2011)0289 – C7-0138/2011 – 2011/0136(COD))

(2013/C 353 E/53)

(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2011)0289),

— having regard to Article 294(2) and Articles 53(1), 62 and 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0138/2011),

— 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 21 September 2011 ([1]),

— having regard to the undertaking given by the Council representative by letter of 14 June 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 Legal Affairs and the opinions of the Committee on the Internal Market and Consumer Protection, and the Committee on Culture and Education (A7-0055/2012),

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.

([1]) OJ C 376, 22.12.2011, p. 66.

Thursday 13 September 2012

P7_TC1-COD(2011)0136

Position of the European Parliament adopted at first reading on 13 September 2012 with a view to the adoption of Directive 2012/…/EU of the European Parliament and of the Council on certain permitted uses of orphan works

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2012/28/EU.)

Emergency autonomous trade preferences for Pakistan ***I

P7_TA(2012)0350

European Parliament legislative resolution of 13 September 2012 on the proposal for a regulation of the European Parliament and of the Council introducing emergency autonomous trade preferences for Pakistan (COM(2010)0552 – C7-0322/2010 – 2010/0289(COD))

(2013/C 353 E/54)

(Ordinary legislative procedure: first reading)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2010)0552),

— having regard to Article 294(2) and Article 207(2), of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0322/2010),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the undertaking given by the Council representative by letter of 18 July 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 Foreign Affairs (A7-0069/2011),

1. Adopts its position at first reading hereinafter set out [1];

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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[1] This position replaces the amendments adopted on 10 May 2011 (Texts adopted, P7_TA(2011)0205).

Thursday 13 September 2012

P7_TC1-COD(2010)0289

Position of the European Parliament adopted at first reading on 13 September 2012 with a view to the adoption of Regulation (EU) No …/2012 of the European Parliament and of the Council introducing emergency autonomous trade preferences for Pakistan

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 1029/2012.)

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(Continued overleaf)

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Thursday 13 September 2012

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(Continued overleaf)

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Key to symbols used

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

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

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

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

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