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Sittings of 22 and 24 April 2008

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The Minutes of this session have been published in OJ C 154 E, 19.6.2008.

The texts adopted on 22 April 2008 concerning the discharge for the financial year 2006 have been published in OJ L 88, 31.3.2009.

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I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

Organ donation and transplantation: Policy actions at EU level

P6_TA(2008)0130

European Parliament resolution of 22 April 2008 on organ donation and transplantation: Policy actions at EU level (2007/2210 (INI))

(2009/C 259 E/01)

The European Parliament,

- having regard to Article 152(4)(a) of the EC Treaty,
- having regard to the Commission Communication to the European Parliament and the Council on Organ Donation and Transplantation: Policy Actions at EU level (COM(2007)0275) and the Commission Staff Working Document accompanying the Communication: Summary of the Impact Assessment (SEC(2007)0705),
- 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 ⁽¹⁾,
- having regard to 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 ⁽²⁾,
- having regard to Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector ⁽³⁾,
- having regard to Directive 2001/20/EC of the European Parliament and of the Council of 4 April 2001 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the implementation of good clinical practice in the conduct of clinical trials on medicinal products for human use ⁽⁴⁾,
- having regard to the World Health Organization's Guiding Principles on Human 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,

⁽¹⁾ OJ L 102, 7.4.2004, p. 48.⁽²⁾ OJ L 281, 23.11.1995, p. 31.⁽³⁾ OJ L 201, 31.7.2002, p. 37.⁽⁴⁾ OJ L 121, 1.5.2001, p. 34.

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- having regard to the Council of Europe report 'Meeting the organ shortage. Current status and strategies for improvement of organ donation' (1999),
 - having regard to the Council of Europe report 'Guide to the safety and quality assurance for organs, tissues and cells' ⁽¹⁾,
 - having regard to a document from the first national expert meeting on organ donation and transplantation at Community Level ⁽²⁾, held in Brussels on 13 September 2007,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Legal Affairs and the Committee on Civil Liberties, Justice and Home Affairs (A6-0090/2008),
- A. whereas the need for organ transplantation in the European Union has increased steadily and more rapidly than the number of organs donated, whereas there are more than 60 000 patients in need of transplants on waiting lists across the EU and whereas a significant number of patients die as a result of the chronic shortage of organs, whereas the increase in the number of donors does not lead to a reduction in the waiting lists,
- B. whereas organ trafficking, commercialism and transplant tourism, which are inconsistent with respect for human dignity, are rapidly developing; whereas there is a link between organ shortage and organ trafficking, whereas more data on organ trafficking are needed,
- C. whereas safety issues are often ignored when illegal commercial organ transplantation is practised, which may put the life of both the donor and the recipient at risk,
- D. whereas four Member States have still not ratified the United Nations Convention against Transnational Organized Crime, five Member States have not ratified its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children ('the Palermo Protocol'), nine Member States have not ratified the UN Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and 17 Member States have not ratified the Council of Europe's Convention on Action Against Trafficking in Human Beings,
- E. whereas although current estimates put organ trafficking at a relatively low level among all forms of trafficking, trafficking in organs and tissues is becoming an increasing global problem which occurs within and across national borders and is demand-driven (there are an estimated 150-250 cases per year in the EU),
- F. whereas trafficking in organs and tissues is a form of trafficking in human beings, which entails serious violations of fundamental human rights, and in particular of human dignity and physical integrity, and can undermine citizens' confidence in the legitimate transplantation system, which may lead to a further shortage of supply of voluntarily donated organs and tissues,
- G. whereas quality, safety, efficacy and transparency are essential if society is to reap the benefits transplantation can offer as a therapy,
- H. whereas organ transplantation is the only available treatment for end-stage failure of organs such as the liver, lung and heart and the most cost-effective treatment for end-stage kidney failure; whereas organ transplantation makes it possible to save lives and to offer a better quality of life,

⁽¹⁾ Third edition, 2007.

⁽²⁾ SANCO C6 EFZ/gsc D (2007) 360346.

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- I. whereas there are significant differences between and within Member States with respect to rates of transplant and to the source (that is to say the living or deceased donor) of organs, and even discrepancies in quality and minimum safety requirements for organ donation and transplantation, while the organisational approach to transplantation varies from Member State to Member State, resulting in uneven standards across the EU,
 - J. whereas Member States have different legal frameworks (with some Member States having an opt-in and others an opt-out system in place) and experiences in different Member States show that the impact of the legal system on the number of donors is quite limited,
 - K. whereas the alternative to transplantation is often intensive care, which is unpleasant for the patient and places a burden on healthcare systems and the family and carers of patients,
 - L. whereas organ donation and transplantation are sensitive and complex issues that encompass not only medical but also legal and ethical aspects, and require the full participation of civil society for their development,
 - M. whereas the use of organs in therapy involves a risk of transmission of infectious and other diseases,
 - N. whereas a number of organs are already exchanged between Member States and different European organ exchange organisations (e.g. Scandiatransplant, Eurotransplant) already exist,
 - O. whereas existing experience (for example the Spanish model, the Belgian GIFT project, DOPKI and the Alliance for Organ Donation and Transplantation (Alliance-O)) shows positive results and should be taken into account,
 - P. whereas public awareness, concrete and positive information and the advanced training and communication skills of professionals have an important role to play in increasing willingness to donate organs,
 - Q. whereas effective public health measures to facilitate the early detection and management of the chronic diseases that cause organ failure, such as chronic kidney disease, need to be introduced in order to minimise the number of people needing organ transplants in the future,
1. Welcomes the abovementioned Commission Communication which proposes a very welcome integrated three-pillar approach;

Legal instrument

2. Looks forward to the Commission proposal for a Directive laying down quality and safety requirements for organ donation, procurement, testing, preservation, transport and allocation across the EU and the resources necessary to meet those requirements; stresses, nonetheless, that the forthcoming legislative framework should not create an additional administrative burden for Member States or service providers, nor should it jeopardize the use of existing good practices or those practices adapted to the prevailing conditions and circumstances in individual Member States, or contain requirements which would lead to a decrease in the number of potential and actual donors;
3. Points out that the new Directive should complement and reinforce efforts made by Member States to achieve an active and efficient method of coordination without preventing the introduction or maintenance of more stringent measures;
4. Underlines that the Directive should accommodate the progress made by medical science;

Cooperation between Member States

5. Expresses its concern over the insufficiency of available organs for transplantation to meet patient needs; considers reducing the organ and donor shortage to be the main challenge that Member States face with regard to organ transplantation; recalls that many thousands of patients in Europe are currently registered on waiting lists, which have a significant mortality rate;

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6. Notes that the allocation of organs should be based on the medical capacity of the patient to accept an organ; is of the opinion that discrimination on the basis of disabilities which have no bearing on the patient's chances of accepting an organ should not be tolerated;

7. Points out that organ donation is a gift; therefore stresses that, while finding an answer to the severe shortage of organs in the EU is extremely important, the freedom of choice as to whether or not to donate an organ needs to be respected and protected as well;

8. Takes note of the significant differences as regards the source of organs (deceased or living donors) within the EU, the substantial differences between Member States' success in increasing their donor pool, the discrepancies between Member States concerning quality and safety requirements, the different organisational approaches to organ donation and transplantation and the differences in the education and training of medical and paramedical professionals; considers that discrepancies can be partly explained by a combination of economic, structural, administrative, cultural, ethical, religious, historical, social and legal factors, although the critical factor seems to be how the whole process leading to donation and transplantation is organised;

9. Strongly believes, therefore, that there is significant potential for sharing expertise between Member States in order to increase donor rates and equalise access to transplantation across the EU; hence, looks forward to the Commission's action plan for strengthened cooperation between Member States in order to:

- increase organ availability,
- enhance the efficiency and accessibility of transplantation systems,
- increase public awareness,
- guarantee quality and safety;

10. Consequently, stresses that the establishment of well-structured operational systems and the promotion of successful models within and between Member States, and where appropriate at international level, are of the utmost importance; suggests that operational systems should be composed of an adequate legal framework, technical and logistical infrastructure, psychological and organisational support and an appropriate organisational structure, at hospital and supra-hospital level, equipped with highly qualified staff, coupled with clear provisions on traceability and a fair, effective and equitable allocation and access to transplantation system;

Increasing organ availability

11. Points out that Member States are responsible for their own legal models; notes that in the EU two models exist, each with different variants; considers it unnecessary to adapt or harmonise legal systems; invites Member States to adopt legislation enabling the appointment of a legal representative who can decide on donation after a person's death;

12. Calls on Member States to achieve the full potential of post-mortem donations; therefore urges Member States to invest to the full in improving their organisational system by:

- sensitizing, educating and training medical and paramedical staff,
- supporting hospitals financially to appoint in-house transplant coordinators (doctors working inside the intensive care units who are supported by a medical team), whose task would be actively to identify potential donors and approach their families,
- implementing quality improvement programmes in every hospital or cluster of hospitals across the EU where there is proven evidence of potential for organ donation;

13. Asks Member States, with a view to increasing organ availability, to evaluate the use of 'expanded' donors (i.e. older donors or those that have certain diseases) taking into account quality and safety considerations;

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14. Considers that transplants can be carried out using a sub-optimal organ; it would then be for the transplant team, acting in consultation with the patient and/or his or her family, to make decisions about the use of organs for individual patients on the basis of a risk-benefit analysis;
15. Asks Member States allowing living donation to take into account quality and safety considerations; stresses, however, that living donation should be seen as complementary to post-mortem donation;
16. Recognises that, when the donor pool is expanded, doctors may be concerned about the increased likelihood of rejection of the organs and gradual decline of the function of the transplanted organ, and therefore asks the Commission and Member States to support methods to prevent and treat organ rejection so that the expanded organ pool can be used with confidence by doctors;
17. Recognises that biotechnology is already offering solutions to the risk of rejection of transplanted organs, for example through treatments that reduce rates of rejection, which will in turn support the availability of more organs, by allowing doctors to treat or even prevent rejection; argues that this would help support the expanded donor pool, by reducing the risk associated with expanded organ programmes;
18. Asks Member States to remove, before January 2010, legislation that reserves donor organs for use solely within that Member State;
19. Asks Member States to take the measures necessary in the areas of education and training, teamwork and remuneration of transplantation surgeons;
20. Stresses the importance of financing organ procurement and transplantation under a dedicated budget line, so as not to make transplantation a disincentive for hospitals;
21. Underlines the need to ensure that organ donations stay strictly non-commercial;
22. Endorses measures which aim at protecting living donors, from a medical as well as a psychological and social point of view, and ensuring that organ donation is made altruistically and voluntarily, thus ruling out payments between donors and recipients, any payment being confined solely to compensation strictly limited to making good the expense and inconvenience associated with the donation; asks Member States to ensure that the anonymity of deceased and living donors not genetically or emotionally linked to recipients, where national legislation permits such donations, is preserved; urges Member States to define the conditions under which compensation can be granted;
23. Urges the Member States to adopt or maintain strict legal provisions in connection with transplantation from unrelated living donors, in order to make the system transparent and exclude the possibility of illicit organ selling or coercion of donors; thus, donations by unrelated living donors only being permitted to be made under the conditions defined in national law and following authorisation by a suitable independent body;
24. Urges the Member States to ensure that living donors are not discriminated against, in particular by insurance systems;
25. Urges Member States to ensure the reimbursement of the social security costs of living donors;
26. Considers that, in the future, provided that traceability is guaranteed, biotechnology may enable researchers to grow organs from existing tissues and cells, either from the patients themselves or from other tissue donors; asks the Commission to promote such research, which is often carried out by the EU's emerging SME biotech companies within the cultural and ethical frameworks laid down in the Member States and in the Charter on Fundamental Rights and the Council of Europe Convention on Human Rights and Biomedicine;
27. Notes that several clinical trials in humans have proven the efficiency of adult stem cell treatment in several cell replacement therapies;

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Efficiency and accessibility of transplantation systems

28. Notes that, although several Member States have introduced compulsory registration of transplant activities and some voluntary registers also exist, there is no comprehensive system for the collection of data on the different types of transplantation and their outcomes; strongly recommends the creation of national follow-up registers of living donors, transplanted patients and transplant procedures; points out that those registers must be regularly updated; stresses the importance of ensuring the comparability of the data between Member States;

29. Asks the Commission to recommend to the Member States certain guidelines concerning registration to ensure that the registered person submits certain information about his or her medical history and to ensure the quality and safety of the donor's organs, since registration involves not only the simple act of registering by name but implies consequences for both the donor and the recipient;

30. Invites the Commission to facilitate the development of a core of technical and ethical standards for the management of the safety, quality and efficacy of organ donation in the context of donation and transplantation that can serve as a model for Member States; asks the Commission to establish an EU mechanism which would promote coordination activities between Member States in relation to organ donation and transplantation;

31. Considers that an additional benefit of collaboration between Member States, which is insufficiently emphasised in the abovementioned Commission Communication, is the potential value of organ sharing between Member States in terms of medical and technical opportunities, although takes full account of the geographical limitations to such exchanges and the potential effects on organ viability; underlines in this respect the positive results of international systems; believes that organ sharing can be very helpful particularly as far as difficult transplant procedures are concerned (for example in the case of highly sensitized or urgent patients and patients with special conditions, for whom it is difficult to find a suitable donor);

32. Invites the Commission, together with the Member States, to conduct a study on all matters concerning organ transplantation for non-EU residents in Member States and to develop a code of conduct setting out rules and conditions under which organs donated by deceased EU donors may be allocated to non-EU residents;

33. Emphasises that good cooperation between health professionals and competent authorities is necessary and provides added value; asks the Commission to facilitate alliances between national transplantation organisations in Member States involving cooperation of a legal, ethical and technical nature; recognises that there are situations in transplant medicine that cannot be adequately addressed in Member States with a limited donor pool; believes that small Member States, in particular, could clearly benefit from European cooperation;

34. Calls for a EU donor card, complementary to existing national systems;

35. Considers that international cooperation to promote organ availability and safety is desirable; points out, in this regard, that general rules governing best medical practice, diagnostic techniques and conservation would be useful; asks Member States to promote actively such cooperation and to apply this system of general rules;

Increasing public awareness

36. Underlines the importance of increasing public awareness of organ donation and transplantation in order to facilitate the identification of organ donors and thus increase organ availability; hence, calls on the Commission, Member States and civil society to enhance structurally the promotion of organ donation, inter alia among youngsters in schools; in this regard, suggests using well known personalities (for example sportsmen and sportswomen) and educational packs;

37. Points out that information on organ donation and transplantation should be provided in a transparent, unbiased and non-directive manner, addressing the scope of organ donations, i.e. that donation might include multiple-organ donations as well as tissue donations;

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38. Underlines that the free choice as to whether or not to donate an organ is the exclusive right of the donor and needs to be respected, and that organ donation must be considered as a gift from one human being to another; points out that this needs to be reflected in the language used, avoiding economic terminology which suggests that organs may be treated as a commodity of the internal market;

39. Calls on the Commission to take into consideration the further development and expansion of the existing European web page on organ donation ⁽¹⁾, as well as that of the World Health Organization (WHO) ⁽²⁾, to cover all Member States, in all official EU languages, with the aim of providing all relevant information and data on organ donation and transplantation;

40. Calls on the Commission and Member States to promote a donor day and recommends actions that underline the good results and importance of transplantation;

41. Is convinced that a highly effective way of increasing organ availability is to provide more information to the public also at the local and regional level; calls on the Commission, the Member States and the organisations of civil society, churches, religious and humanist communities to take part in this effort to raise public awareness of the possibility of organ donation whilst taking into account the cultural particularities of each Member State; underlines the important role played by registered donors in promoting organ donation among family members and friends and encouraging them to become donors themselves;

42. Acknowledges that it is important to improve the communication skills of health professionals by, for instance, developing information guidelines; stresses the need for a professional attitude towards communication, as well as support from experts in that field; special attention should be paid to both the content of the message and the best means of dealing with the most controversial topics; stresses the importance of regular meetings with media representatives to promote the good results and importance of transplantation;

43. Favours the establishment of a transplant hotline with a single telephone number which is managed by a national transplantation organisation, where such an organisation exists, and staffed 24 hours per day by appropriately trained and experienced professionals able to provide relevant and accurate medical and legal information rapidly to all actors concerned;

44. Asks the Commission to support research into organ donation and transplantation across national boundaries to address the impact of ethnicity, country of origin, religion, level of education and socio-economic class on the decision to offer organs for donation; asks the Commission and Member States to disseminate rapidly the outcomes of that research with a view to informing the public and altering misperceptions;

Improving quality and safety

45. Recognises that it is vitally important to ensure the quality and safety of organ donation and transplantation; points out that this will have an impact in terms of reducing transplant risks and will consequently reduce adverse effects; acknowledges that actions on quality and safety could have an effect on organ availability and vice versa; asks the Commission to help Member States develop their capacity to create and develop national regulations and a regulatory framework to enhance quality and safety, without this having a negative impact on the availability of transplant organs;

46. Acknowledges that post-transplant and post-donation results should be monitored and evaluated; stresses that a common methodology of data analysis should be promoted, on the basis of the best practices currently employed by Member States, in order to allow optimal comparability of results across Member States;

47. Asks Member States to increase the monitoring times for transplant patients to several years and preferably for as long as the patient lives and/or the graft still functions;

⁽¹⁾ www.eurodonor.org (and/or www.eurocet.org).

⁽²⁾ www.transplant-observatory.org

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48. Calls on the Commission to allocate funds within the Seventh Framework Programme of the European Communities for research, technological development and demonstration activities (2007-2013) to promote research on better and more sensitive diagnostic techniques which will enable early and effective detection of harmful conditions such as HIV/AIDS, hepatitis and others, since an important aspect of organ transplantation is to secure safety from various detrimental factors and agents existing in the organs of the donor;

Organ trafficking

49. Points out that there is a link between organ shortage and organ trafficking, in that organ trafficking undermines the credibility of the system for potential voluntary and unpaid donors; emphasises that any commercial exploitation of organs is unethical and inconsistent with the most basic human values; stresses that organ donation motivated by financial considerations degrades the gift of an organ to a mere commodity, thus constituting a violation of human dignity and contravening Article 21 of the Convention on Human Rights and Biomedicine and is prohibited under Article 3(2) of the Charter on Fundamental Rights of the European Union;

50. Asks the Commission, in relation to third countries, to fight against the practice of organ and tissue trafficking, which should be universally banned, including the transplantation of organs and tissues from minors, from the mentally disabled or from executed prisoners; calls on the Commission and the Member States to raise the international community's awareness of this issue;

51. Considers that, in order to fight against organ trafficking in the poorer parts of the world, a long-term strategy must be adopted for elimination of the social inequalities lying at the root of such practices; stresses that, in order to combat the practice of organ selling for money (especially in countries of the developing world), mechanisms of traceability should be put in place so as to prevent those organs from entering the EU;

52. Calls on the Commission and Member States to take measures to prevent 'transplant tourism', by drawing up guidelines to protect the poorest and most vulnerable donors from being victims of organ trafficking, adopting measures that increase the availability of legally procured organs and by exchange of waiting list registrations between existing organ exchange organisations to avoid multiplied listing; asks the Commission to promote via the area of freedom, security and justice a common approach which aims at compiling information on national organ trafficking legislation and to identify the main problems and potential solutions; points out to this effect that a system of traceability and accountability of human material has to be established;

53. Urges the Member States, where necessary, to amend their criminal codes to ensure that those responsible for organ trafficking are adequately prosecuted, including sanctions for medical staff involved in transplantation of organs obtained from trafficking, while making every effort to discourage potential recipients from seeking trafficked organs and tissues; stresses that that consideration should be given to making EU citizens criminally liable for purchasing organs inside or outside the EU;

54. Calls on the Member States to take the necessary steps to prevent healthcare professionals from facilitating organ and tissue trafficking (i.e. referring a patient to a foreign transplant service which might be involved in trafficking) as well as health insurance providers from facilitating activities that directly or indirectly promote trafficking in organs, for instance reimbursing costs incurred in obtaining an illegal organ transplantation;

55. Considers that the Member States should arrange for the training of their law enforcement agencies as well as medical staff on trafficking in organs, in order to report each known case to the police;

56. Asks Member States to sign, ratify and implement the Council of Europe Convention on Action against Trafficking in Human Beings and the Palermo Protocol if they have not already done so;

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57. Regrets that Europol did not come up with a survey on organ selling and trafficking because it claims that there are no documented cases; refers to reports of the Council of Europe and the WHO which give clear evidence that the organ trade is also a problem for EU Member States and asks the Commission and Europol to improve monitoring of cases of organ trafficking and to draw the necessary conclusions;

58. Asks the Commission and the Council to update the Action Plan on Trafficking in human beings and include in it an action plan for the fight against trafficking in organs, in order to enable closer cooperation among the authorities concerned;

59. Calls, in addition, for the action plan to make reference to data which are correct and verified concerning the quantities, types and origin of illegally-trafficked organs;

*

* *

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

Volunteering

P6_TA(2008)0131

European Parliament resolution of 22 April 2008 on the role of volunteering in contributing to economic and social cohesion (2007/2149(INI))

(2009/C 259 E/02)

The European Parliament,

- having regard to the Fourth Report on Economic and Social Cohesion (COM(2007)0273),
- having regard to Decision No 1904/2006/EC of the European Parliament and of the Council of 12 December 2006 establishing for the period 2007 to 2013 the programme Europe for Citizens to promote active European citizenship ⁽¹⁾,
- having regard to Decision No 1719/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing the Youth in Action programme for the period 2007 to 2013 ⁽²⁾,
- having regard to Council Decision 2006/144/EC of 20 February 2006 on Community strategic guidelines for rural development (programming period 2007 to 2013) ⁽³⁾,
- having regard to Council Decision 2006/702/EC of 6 October 2006 on Community strategic guidelines on cohesion ⁽⁴⁾,
- having regard to Resolution of the Council and the Representatives of the Governments of the Member States, meeting within the Council, of 13 November 2006, on implementing the common objectives for participation by and information for young people in view of promoting their active European citizenship ⁽⁵⁾,
- having regard to the Communication from the Commission entitled Promoting young people's full participation in education, employment and society (COM(2007)0498),
- having regard to the Communication from the Commission entitled The demographic future of Europe — from challenge to opportunity (COM(2006)0571),

⁽¹⁾ OJ L 378, 27.12.2006, p. 32.

⁽²⁾ OJ L 327, 24.11.2006, p. 30.

⁽³⁾ OJ L 55, 25.2.2006, p. 20.

⁽⁴⁾ OJ L 291, 21.10.2006, p. 11.

⁽⁵⁾ OJ C 297, 7.12.2006, p. 6.

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- having regard to Recommendation 2001/613/EC of the European Parliament and of the Council of 10 July 2001 on mobility within the Community for students, persons undergoing training, volunteers, teachers and trainers ⁽¹⁾,
 - having regard to its resolution of 13 March 2007 on corporate social responsibility: a new partnership ⁽²⁾,
 - having regard to the Opinion of the Committee of the Regions on the contribution of volunteering to economic and social cohesion ⁽³⁾,
 - having regard to the Opinion of the European Economic and Social Committee on Voluntary activity: its role in European society and its impact ⁽⁴⁾,
 - having regard to the Opinion of the Committee of the Regions on the role of voluntary organizations — a contribution to a European society ⁽⁵⁾,
 - having regard to Articles 158 and 159 of the EC Treaty,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Development (A6-0070/2008),
- A. whereas it is reliably estimated that in excess of 100 million EU citizens volunteer ⁽⁶⁾,
- B. whereas the initial findings upon implementation of the UN Handbook on Non-Profit Institutions (NPIs) are that the economic contribution of NPIs is on average 5 % of GDP and that, even conservatively estimated, volunteer time accounts for more than one quarter of this figure ⁽⁷⁾,
- C. whereas volunteering is a major force nurturing civil society and strengthening solidarity — one of the core values of the EU — as well as an essential component in supporting community development programmes, in particular in those Member States that are now emerging from a post-communist transitional period,
- D. whereas a recent study of organisations involving volunteers across Europe demonstrated a high level of added value: for every EUR 1 organisations spent on supporting volunteers, they received an average return worth between EUR 3 and EUR 8 ⁽⁸⁾,
- E. whereas the very significant contribution of volunteering to building up social capital needs to be fully recognised,
- F. whereas sustainable funding, especially funding for administrative purposes, is of fundamental importance to voluntary organisations and to voluntary work in general,
- G. whereas the recent report from the European Foundation for the Improvement of Living and Working Conditions identified social capital as a key element in developing policies to foster rural economic development ⁽⁹⁾,

⁽¹⁾ OJ L 215, 9.8.2001, p. 30.

⁽²⁾ OJ C 301 E, 13.12.2007, p. 45.

⁽³⁾ OJ C 105, 25.4.2008, p. 11.

⁽⁴⁾ OJ C 325, 30.12.2006, p. 46.

⁽⁵⁾ OJ C 180, 11.6.1998, p. 57.

⁽⁶⁾ Eurobarometer Report. *Social Reality Stocktaking*, February 2007.

⁽⁷⁾ Johns Hopkins University Report *Measuring Civil Society and Volunteering*, September, 2007. www.jhu.edu/ccss

⁽⁸⁾ *Volunteering works*, Institute for volunteering research and volunteering, England, September 2007.

⁽⁹⁾ See Mandl, I., Oberholzner, T., & Dörflinger, C. European Foundation for Living and Working Conditions. <http://www.eurofound.europa.eu/pubdocs/2007/18/en/1/ef0718en.pdf>

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- H. whereas a recent study into a successful Urban programme in Aarhus made the central point that local citizens and voluntary effort were crucial to the successful implementation of the programme ⁽¹⁾,
- I. whereas volunteering not only has a measurable economic value but may also lead to significant savings for public services; whereas, in this context, it is important to ensure that voluntary activity is additional to public services and not a replacement of them,
- J. whereas volunteering contributes to the personal and social development of the volunteer and has a positive impact within the community, for example, on interpersonal relationships,
- K. whereas volunteers play an important role in achieving the Lisbon Strategy goal of socio-economic cohesion by contributing to financial inclusion, for example, by establishing credit unions which are regulated and not for profit financial cooperatives, run and governed by volunteers,
- L. whereas the corporate social responsibility of companies is both an important business driver and represents an essential element of the European social model,
- M. whereas there is a link between volunteering and sustainable development,
- N. whereas it is important to promote and support best practices in volunteer management amongst organisations involving volunteers,
- O. whereas volunteering leads to the direct involvement of citizens in local development, and thus can play an important role in the fostering of civil society and democracy,
- P. whereas in the abovementioned Council resolution on active citizenship the Council encourages greater participation on the part of young people in civic life, participatory structures and voluntary work,
- Q. whereas demographic change in Europe means that there is now a large number of older potential volunteers,
- R. whereas volunteering can have a positive effect on people's health ⁽²⁾; whereas this health benefit can be enjoyed by people of all ages and can help prevent physical and mental illness,
- S. whereas volunteering has a role to play in underpinning local development initiatives and in facilitating the successful implementation of a number of Community-funded initiatives, such as the Leader Programme, Interreg and the PEACE Programme,

1. Encourages Member States and regional and local authorities to recognise the value of volunteering in promoting social and economic cohesion; furthermore, encourages them to work in partnership with voluntary organisations and to follow meaningful consultation with the voluntary sector to develop plans and strategies to recognise, value, support, facilitate and encourage volunteering; also urges the Member States to create a stable and institutional framework for the participation of non-governmental organisations (NGOs) in public debates;

2. Calls on the relevant Commission experts to make a clearer distinction between voluntary organisations and NGOs, whose activities are not organised on the same voluntary bases, and calls for a comprehensive pan-European investigation into the nature, level and internal mechanisms of social participation, including voluntary participation and funding for this purpose;

⁽¹⁾ Vestergaard Poulsen, L. *From Deprived Neighbourhood to Sustainable Community* English Summary. The Urban II Programme in Aarhus 2002-2007.

⁽²⁾ See *The Health Benefits of Volunteering — A Review of Recent Research* (Corporation for National and Community Service, 2007).

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3. Calls on Member States and regional and local authorities to make real efforts to help voluntary organisations to access sufficient and sustainable funding for both administrative purposes and projects, without excessive form-filling, red-tape or bureaucracy, while maintaining the necessary controls on the spending of public money;
4. Urges Member States and regional and local authorities to support the creation of volunteer emergency services in every locality in order to ensure a rapid response to natural disasters and accidents;
5. Draws the Commission's attention to the fact that the partnership principal enshrined in both the Community strategic guidelines for rural development (programming period 2007 to 2013) and the Community strategic guidelines on cohesion is not always adhered to at national level ⁽¹⁾ and therefore urges the Commission to take the appropriate administrative and institutional steps to ensure that its own policies, procedures and protocols are actually observed and enforced during Structural Fund consultations, negotiations and subsequent operations;
6. Recommends that all Member States produce regular NPI 'satellite accounts' and calls for the inclusion of volunteer work in these satellite accounts so that policy makers can take account of NPIs in their policy formulation; calls on the Commission to consider how volunteering might be included as a special category in the statistical accounts of Eurostat;
7. Strongly supports the view that volunteering and voluntary activity should not take the place of paid work;
8. Calls on the Commission to work towards putting in place a system for all Community funds whereby volunteer activity can be recognised as a contribution to co-financed projects and to devise mechanisms whereby voluntary work can be suitably costed; welcomes efforts by some Directorates-General of the Commission to adopt a more flexible approach to the acceptance of voluntary work as a contribution matching Community funding in joint-funded projects;
9. Calls on the Commission to promote opportunities for older volunteers and to develop a Seniors in Action Programme for the increasing number of very experienced senior citizens who are willing to volunteer that might run in parallel with and complement the abovementioned Youth in Action Programme and furthermore to promote specific programmes for intergenerational volunteering and for mentoring;
10. Encourages Member States to promote and to facilitate volunteering within all communities, both real and virtual, such as family volunteering or volunteering in marginalised groups or groups that might not traditionally volunteer and to stress the great importance of organising voluntary work so as to ensure that it is compatible with family and professional life;
11. Encourages companies and other private-sector operators, as part of their corporate social responsibility strategy, to financially support initiatives promoting and enhancing volunteering and urges Member States, in the context of corporate volunteering, to provide incentives for the private sector to fund and support the voluntary sector, thus helping to ensure the transfer of corporate skills and know-how from the private to the public sector and also improving quality of life at local level by encouraging self help in the resolution of local problems;
12. Calls on the Commission to increase the recognition of volunteering as an appropriate activity through which to acquire competences and skills through Youthpass with a linkage to Europass, while ensuring that volunteering is not seen as an alternative to formal training but a complement to it; furthermore calls for national and local measures to increase the mobility of volunteers;

⁽¹⁾ See *Civil Society as a Partner in European Union Structural Funds*. European Citizen Action Service, November, 2004.

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13. Calls on the Commission and the Member States to investigate the delay in the adoption of the proposed European Charter on Volunteering which should define the role of voluntary organisations and lay down their rights and responsibilities; recommends annual peer-reviews to assess voluntary work undertaken by Member States and within specific sectors and organisations;
 14. Recommends that the Commission and the Member States establish a European database providing basic data on volunteer organisations as well as details of best practises, something which would provide helpful guidelines for improving volunteering systems;
 15. Calls on the relevant authorities to ensure that volunteers are adequately covered by accident insurance and personal liability insurance in respect of their voluntary activities and that any agreed outlay by volunteers in respect of their voluntary activities is also covered;
 16. Calls on the Commission, the Member States and regional and local authorities to promote volunteering through education at all levels, creating opportunities for voluntary activity at an early stage in the education system so that it is seen as normal contribution to community life and to continue to promote such activity as students grow older, to facilitate 'services learning' where students work with voluntary or community groups in partnership as part of their diploma or degree course, to encourage links between the voluntary sector and the education sector at all levels and to promote volunteering and recognise learning in volunteering as part of life long learning;
 17. Calls on the Commission, in view of the review scheduled for 2010 of the VAT provisions relating to public bodies and social exemptions, to consider together with the Member States the strong social arguments for introducing VAT exemptions for voluntary organisations registered in the Member States on purchases intended for the accomplishment of their objectives, and also to consider the arguments for exemption, in specific cases, from payment of VAT on goods and services that are donated to voluntary organisations;
 18. Calls on Member States, in accordance with the principle of subsidiarity, to establish a sustainable volunteering infrastructure to deal with issues such as core funding for voluntary organisations;
 19. Recommends that 2011 be declared the European Year of Volunteering;
 20. Recognises the diversity of volunteering in the Member States but nevertheless encourages Member States and regional and local authorities, whenever possible, to learn from one another through the exchange of best practices;
 21. Calls on the Commission to introduce support schemes to set up more efficient systems of cooperation and networking between voluntary organisations and to strengthen international volunteer exchange schemes which could in certain cases contribute to achieving Millennium Development Goals; particularly calls for the establishment of programmes to assist in restimulating voluntary activities in Member States where voluntary activity has come to be associated with actions of a compulsory nature;
 22. Recommends the promotion of cross-border voluntary projects;
 23. Calls on the Commission to be sympathetic to the situation of volunteers in all areas of policy and legislation;
 24. Calls on relevant local and regional stakeholders, voluntary organisations and the media to provide adequate information to citizens about opportunities to volunteer, accompanied by suitable training, with special emphasis on vulnerable and marginalised groups within society and the needs of remote and inaccessible regions;
 25. Urges the Commission, alongside Plan D for Democracy, Dialogue and Debate, to put in place a Plan V for Valuing, Validating and ensuring the Visibility of Volunteers;
 26. Calls on the Commission to review its visa policy for third-country participants in recognised EU volunteer programmes with a view to introducing a more liberal visa regime in particular as regards volunteers from countries neighbouring the EU;
 27. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Committee of the Regions and the European Economic and Social Committee.
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2006 Annual report of the EIB

P6_TA(2008)0132

European Parliament resolution of 22 April 2008 on the European Investment Bank's annual report for 2006 (2007/2251(INI))

(2009/C 259 E/03)

The European Parliament,

- having regard to Articles 266 and 267 of the EC Treaty, on the subject of the European Investment Bank (EIB), and to the Protocol (No 11) on the Statute of the EIB ⁽¹⁾,
- having regard to Article 248 of the EC Treaty, on the subject of the role of the Court of Auditors,
- having regard to the Treaty of Lisbon, signed on 13 December 2007 by the Heads of State and Government of the Member States of the European Union,
- having regard to its resolution of 15 February 2007 on the EIB annual report for 2005 ⁽²⁾,
- having regard to the Council Decision 2007/247/EC of 19 April 2007 on the Community participation in the capital increase of the European Investment Fund ⁽³⁾,
- having regard to the judgment of the European Court of Justice of 10 July 2003 on the subject of the power of the European Anti-Fraud Office (OLAF) to investigate the EIB ⁽⁴⁾,
- having regard to the Council Decision 2006/1016/EC of 19 December 2006 ⁽⁵⁾ granting the EIB a new mandate authorising it to grant loans to the value of EUR 12,4 billion to the neighbouring countries of the European Union,
- having regard to Regulation (EC) No 680/2007 of the European Parliament and of the Council of 20 June 2007 laying down general rules for the granting of Community financial aid in the field of the trans-European transport and energy networks ⁽⁶⁾ and to Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities ⁽⁷⁾ (which relates to the Risk-Sharing Finance Facility (RSFF)),
- having regard to the signing on 11 January 2008 by the EIB and the Commission of the cooperation agreement establishing the Loan Guarantee Instrument for Trans-European Transport Network Projects (LGTT),
- having regard to Decision 1639/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Competitiveness and Innovation Framework Programme (2007 to 2013) ⁽⁸⁾,
- having regard to the EIB's 49th annual report (2006) and to its policy of disclosure of 28 March 2006,
- having regard to the 'European Principles for the Environment' launched by the EIB in 2006,
- having regard to the Bank's Operational Plan 2007-2009, as approved by its Board of Directors at its meeting of 12 December 2006,

⁽¹⁾ Protocols annexed to the Treaty establishing the European Community.

⁽²⁾ OJ C 287 E, 29.11.2007, p. 544.

⁽³⁾ OJ L 107, 25.4.2007, p. 5.

⁽⁴⁾ Case C-15/00, *Commission/EIB*, ECR 2003, p. I-07281.

⁽⁵⁾ OJ L 414, 30.12.2006, p. 95.

⁽⁶⁾ OJ L 162, 22.6.2007, p. 1.

⁽⁷⁾ OJ L 412, 30.12.2006, p. 1.

⁽⁸⁾ OJ L 310, 9.11.2006, p. 15.

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- having regard to the speech delivered by Philippe Maystadt, President of the EIB, to the Committee on Budgetary Control on 11 September 2007,
 - having regard to the financial statements for 2006, which have been approved and given a favourable audit opinion by an independent auditor and by the EIB's Audit Committee,
 - having regard to the study on the new financial instruments for European transport infrastructure and services ⁽¹⁾,
 - having regard to the work and conclusions of the symposium held in Clermont-Ferrand (France) on 14 December 2007 on the subject of the 'planning and development of the territory of the European Union: the challenge of investments in the Union and their funding: the place of the European Investment Bank',
 - having regard to the progress of the EIB's review of its anti-fraud policies and procedures which is underway,
 - having regard to the Paris Declaration on Aid Effectiveness, adopted on 2 March 2005, and to the European Union Consensus on Development ⁽²⁾,
 - having regard to Rules 45 and 112(2) of its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control (A6-0079/2008),
- A. whereas it is the task of the EIB to contribute towards the steady, balanced development of the internal market, using both the capital markets and its own funds,
- B. having regard to the role of the EIB in the harmonious development of the European Union as a whole and in reducing the disparities in the development of the various regions, including the most remote regions,
- C. having regard to the subscribed capital of the EIB, which amounted to EUR 163,7 billion on 31 December 2006, of which the Member States have paid up EUR 8,2 billion,
- D. whereas the Statute of the EIB provides that the totality of the loans and guarantees granted by the EIB must not exceed 250 % of its subscribed capital,
- E. whereas the EIB is not subject to the Basel II obligations, but has decided to comply voluntarily with these rules in so far as they are applicable to its activities,
- F. having regard to the agreement by the Luxembourg Financial Sector Supervisory Commission to monitor closely the EIB's management and risk policies, but only in an informal and purely consultative capacity, leaving it to the EIB to define the framework for application of Basel II in the light of its own needs,
- G. whereas the EIB has made the reliable, competitive and sustainable supply of energy one of its priorities, in addition to economic and social cohesion, support for research, technology and innovation, Trans-European Networks (TENs) in the fields of transport and energy, the long-term viability of the environment, the fight against climate change, and support for small and medium-sized enterprises (SMEs),
- H. having regard to the European Union's considerable infrastructure financing needs, which are assessed at EUR 600 billion ⁽¹⁾,
- I. having regard to the crucial role of the EIB in developing TENs by making various instruments and mechanisms available,

⁽¹⁾ PE 379.207, IP/B/TRAN/IC/2006-184.

⁽²⁾ Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: 'The European Consensus' — The European Consensus on Development (OJ C 46, 24.2.2006, p. 1).

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- J. having regard to the difficulties encountered by the EU in funding projects that are European in scale, such as the Galileo project,
- K. having regard to the quality of the EIB's human resources, particularly in the fields of financial engineering and help in setting up projects,
- L. having regard to the prominent role played by the EIB in financing projects in the developing countries,

General remarks

1. Congratulates the EIB on its 2006 activity report and encourages it to continue with its activities to promote the development of the European economy and foster growth, job creation, and inter-regional and social cohesion;
2. Welcomes the EIB's transparency and its full cooperation with Parliament;
3. Calls for an information session to be held on at least an annual basis between the EIB and Parliament's Committee on Budgetary Control concerning the execution of the European Development Fund (EDF) investment facility, in parallel with the EDF discharge procedure;

Budgetary control and management

4. Invites the EIB to make every effort to retain the AAA rating which safeguards its activities and the best rates for its loans, and to adapt its prudential policy with this in mind without, however, neglecting very long-term investment;
5. Emphasises that the EIB pursue a 'zero-tolerance' policy towards fraud and corruption, and welcomes the rise in the number of investigations and the increased cooperation with the European Anti-Fraud Office (OLAF); also calls on the EIB, in adopting its anti-fraud policy and procedures, to include measures leading to:
 - (i) an administrative debarment mechanism for companies found guilty of corruption by the EIB and other multilateral development banks;
 - (ii) a whistleblower protection policy; and
 - (iii) a review of the existing procurement guidelines;
6. Welcomes the existence of a complaints office to receive and deal with external complaints, as well as of an appeals mechanism for complaints received via the European Ombudsman; welcomes and actively supports dialogue between the European Ombudsman and the EIB; calls on the EIB consequently to review its internal grievance mechanism and issue new appeal mechanism guidelines extended to all EIB-financed operations;
7. Welcomes the EIB's desire for transparency in the framework of its disclosure policy, and the large amount of information that it makes available to the general public, including, annually, the lists of projects funded, with brief information concerning those projects; encourages the EIB to develop the activities of its Operations Evaluation department, which carries out an *ex post* evaluation of a representative sample of projects and programmes;

Accounting and prudential control mechanisms and result measurement mechanisms

8. Notes the favourable opinion of the external audit and the conclusions of the annual report of the Audit Committee; reiterates its desire to see the EIB subject to the same prudential rules as credit establishments and to real prudential control, while at the same time noting that these rules do not apply to comparable international financial institutions;
9. Calls for an independent regulatory mission to be established to oversee the quality of the EIB's financial situation and ensure that its results are accurately measured and the profession's rules of good conduct observed; recommends that this be implemented while strengthening the independent Audit Committee of the EIB;

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10. Suggests that the EIB apply to the Committee of European Banking Supervisors (CEBS) for an opinion on this regulatory mission, which should state who could carry it out pending the establishment of an official European banking regulator; suggests that every possible scenario should be envisaged, including, for example, involvement of the CEBS, a national regulator or a number of national regulators on an annually rotating basis;

11. Congratulates the EIB on its efforts in incorporating International Financial Reporting Standards (IFRS) into its consolidated financial statements, as well as into those of the European Investment Fund (EIF), for which 2006 was the first financial year in which the IFRS accounting standards were applied;

12. Shares, on condition that full information is given to third parties, the EIB's reservations about applying IFRS accounting standards too hastily to the statutory accounts, before broad consensus has emerged in the Member States regarding, for example, fair value accounting, which could introduce a large element of volatility into the determination of the EIB's unconsolidated financial results;

13. Recommends, nevertheless, that a technical watch be kept on this issue, which will become crucial in terms of presentation, approval and use of accounting results with the development of venture capital operations, financing of SMEs and the financial engineering that the EU will have to put in place to finance its infrastructure;

14. Notes the methodological choices adopted by the EIB to assess credit risks with a view to offsetting the disadvantages arising from lack of experience of losses on credits, while drawing attention to the need to introduce preventive measures to minimise the risks as regards maximum safeguarding of financial resources with a view to ensuring implementation of the goals of European policy;

15. Notes the efforts made to overcome these difficulties on the basis of techniques for transposing internal and external parameters, and wishes to receive information about the new methods introduced to rate EIB clients and evaluate credit risks; notes, with reference to securitisation operations, that the simplified approach adopted at present could be reviewed at a future time;

16. Hopes, with regard to the application of Basel II, that the EIB can show that it is able to carry out its mission with its own funds, amounting to EUR 33,5 billion, and to maintain the best rating of AAA;

Strategy and objectives

17. Welcomes the approach adopted in the new strategy for 2007-2009, including the reinforcement of value added, the gradual increase in risk taking, inter alia in activities for the benefit of SMEs and local government, the use of new financial instruments and the stepping-up of cooperation with the Commission; unreservedly supports the EIB's programme of activities for 2007-2009;

New strategic priorities and instruments

18. Welcomes the incorporation of promoting reliable, competitive and sustainable energy into the main features of the EIB's programme of activities, including alternative and renewable energy sources and calls for the development of environmentally friendly funding criteria, in line with the EU's strategic goals of reducing greenhouse gas emissions;

19. Welcomes the fact that sustainable development remains a fundamental requirement for the EIB; congratulates the EIB on its excellent results in terms of loan activity to promote environmental protection and social and economic cohesion; encourages the EIB to reinforce its environmental and social policies, to further improve and update its current standards, in particular concerning its external lending activities; asks the EIB to clarify the aims and methodology of its appraisal process, to integrate a wider range of social and environmental factors into its operations and to ensure the coherence of these activities, more specifically on the African continent, with the European Consensus on Development and the achievement of the UN Millennium Development Goals; asks the EIB to ensure that it engages actively with civil society, inter alia by means of consultation procedures;

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20. Congratulates the EIB on the framework contracts signed by the EIB and the Commission: the RSFF and the LGTT; encourages the Commission and the EIB to develop more joint instruments in support of EU policies, while making efforts to mobilise more private capital to ensure full implementation of the EIB priority goals;

Financing major infrastructure projects

21. Recalls that, although its activities are complementary to those of the private sector, the EIB must avoid all competition with the private sector in seeking an optimal leverage effect for financing European projects;

22. Reiterates its encouragement to the EIB to give priority to funding TENs, including cross-border infrastructure that enables national networks to be interconnected, which is an essential element in the development of a market economy centred upon social cohesion; calls on the EIB, with regard to the funding of TENs, to give priority to infrastructure or transport projects with a lower or negative carbon footprint;

23. Suggests that, given the quality of the EIB's human resources, its impartiality and its experience of financing major infrastructure, the Commission should give it the task of carrying out a strategic reflection on the funding of infrastructure, taking into account the need for balanced regional development and excluding no possible scenarios: subsidies, payment of sums subscribed by the Member States to the EIB's capital, loans (including EIB loans, for example those financed by special loans from the Member States⁽¹⁾), innovative instruments such as the RSFF and the LGTT, financial engineering appropriate to long-term projects that are not immediately profitable, development of guarantee systems, creation of an investment section within the EU budget, financial consortia between European, national and local authorities, public-private partnerships etc.;

Help for SMEs

24. Calls on the EIB to ensure that enough venture capital is made available to SMEs which experience difficulty in attracting venture capital; welcomes the launch of the Joint European Resources for Micro to Medium Enterprises (Jeremie) initiative developed in 2005 by the Commission's Regional Policy Directorate-General and the EIB to give businesses better access to financial engineering mechanisms, and encourages the development of the Competitiveness and Innovation Programme (CIP) in the framework of the Lisbon Agenda priorities;

25. Recalls that it approved the EU's participation in increasing the EIF's capital in order to make available to the EIF the resources it needs to fulfil its task and implement the policy of economic and social cohesion;

26. Confirms the need to provide a better response to the shortcomings in the market for financing SMEs and encourages the Commission, the EIB and the EIF to continue with the diversification of Community financial instruments upstream (i.e. technology transfer) and downstream (i.e. mezzanine capital) of venture capital, and to promote the development of micro-credit in Europe in the framework of the new European initiative for the development of micro-credit in support of growth and employment (COM(2007)0708);

Help with setting up projects

27. Emphasises the role of the EIB's expertise in setting up projects, thanks inter alia to the Joint Assistance to Support Projects in European Regions (Jaspers) programme; recalls that an important added value of the EIB lies in its engineering capacity in setting up financing for projects and public-private partnerships, not least in the framework of the European Public-Private Partnership Expertise Centre (EPEC), and calls on the EIB to communicate better with project leaders at local level on the technical help it can provide;

⁽¹⁾ Article 6 of the EIB Statute.

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28. Congratulates the EIB on the opening of new offices in the Member States, which will give it better visibility and greater proximity to project leaders with a view to facilitating projects and will assist the EIB in forging closer links with organisations, institutions, and local authorities as regards the favourable development of the EU policy of balanced regional development, as well as the accelerated involvement of the countries that have joined the EU since 2004;

Operations outside the European Union

29. Notes with satisfaction the favourable conclusions of the review of the activities of the Facility for Euro-Mediterranean Investment and Partnership (FEMIP); on the basis of that review, welcomes the call from the Council to develop the FEMIP still further in order to strengthen the Euro-Mediterranean partnership; hopes, against this background, that the loans mandate given to the EIB for the period 2007-2013, supplemented with the appropriate budgetary resources, will enable the process of regional economic integration to be speeded up;

30. Calls on the EIB to operate in developing regions in line with the principles of the Paris Declaration on Aid Effectiveness, and to ensure consistency with the EU Consensus on Development, particularly in delivering effective aid, enhancing mutual accountability, and adopting measurable development indicators;

31. Takes the view that the FEMIP must continue to be the pivot around which any European initiative carrying forward the ambition to further develop the Mediterranean region is structured;

32. Encourages the EIB to pursue its policy of issuing bonds in a diverse range of currencies, including the currencies of the emerging countries, while always continuing to cover itself against exchange risks;

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

Ending street homelessness

P6_TA(2008)0163

Declaration of the European Parliament on ending street homelessness

(2009/C 259 E/04)

The European Parliament,

— having regard to Rule 116 of its Rules of Procedure,

- A. whereas homelessness was identified as a priority by the Employment, Social Policy, Health and Consumer Affairs (EPSCO) Council in 2005, and is a priority under the 'active inclusion' strand of the EU social protection and inclusion strategy,
- B. whereas access to adequate housing is a fundamental human right and access to shelter often the first step towards adequate and sustainable housing solutions for people experiencing extreme poverty and exclusion,

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- C. whereas every winter people freeze to death across the European Union as a result of a lack of emergency accommodation and outreach services catering for their needs,
 - D. whereas street homelessness is the most visible form of homelessness, and can only be addressed effectively as part of a wider holistic strategy,
 - E. whereas it has called twice for urgent action to tackle homelessness this year,
1. Calls on the Council to agree on an EU-wide commitment to end street homelessness by 2015;
 2. Calls on the Commission to develop an EU framework definition of homelessness, gather comparable and reliable statistical data, and provide annual updates on action taken and progress made in Member States towards ending homelessness;
 3. Urges Member States to devise winter emergency plans as part of a wider homelessness strategy;
 4. Instructs its President to forward this declaration, together with the names of the signatories, to the Council, Commission and the governments and parliaments of the Member States.

List of signatories

Adamos Adamou, Vittorio Agnoletto, Vincenzo Aita, Gabriele Albertini, Alexander Alvaro, Jan Andersson, Georgs Andrejevs, Alfonso Andria, Laima Liucija Andrikiienė, Roberta Angelilli, Kader Arif, Stavros Arnautakis, Elspeth Attwooll, Marie-Hélène Aubert, Margrete Auken, Liam Aylward, Peter Baco, Maria Badia i Cutchet, Mariela Velichkova Baeva, Alessandro Battilocchio, Katerina Batzeli, Edit Bauer, Jean Marie Beaupuy, Christopher Beazley, Zsolt László Becsey, Angelika Beer, Ivo Belet, Irena Belohorská, Jean-Luc Bennahmias, Giovanni Berlinguer, Thijs Berman, Slavi Binev, Šarūnas Birutis, Sebastian Valentin Bodu, Herbert Bösch, Jens-Peter Bonde, Guy Bono, Josep Borrell Fontelles, Victor Boștinăru, Costas Botopoulos, Bernadette Bourzai, John Bowis, Sharon Bowles, Emine Bozkurt, Mihael Brejc, Frieda Brepoels, Hiltrud Breyer, André Brie, Wolfgang Bulfon, Udo Bullmann, Nicodim Bulzesc, Colm Burke, Philip Bushill-Matthews, Niels Busk, Cristian Silviu Bușoi, Philippe Busquin, Jerzy Buzek, Mogens Camre, Luis Manuel Capoulas Santos, Marco Cappato, Marie-Arlette Carlotti, Carlos Carnero González, Paulo Casaca, Michael Cashman, Carlo Casini, Françoise Castex, Pilar del Castillo Vera, Giusto Catania, Jean-Marie Cavada, Jorgo Chatzimarkakis, Giulietto Chiesa, Zdzisław Kazimierz Chmielewski, Ole Christensen, Sylwester Chruszcz, Luigi Cocilovo, Carlos Coelho, Daniel Cohn-Bendit, Richard Corbett, Giovanna Corda, Titus Corlățean, Thierry Cornillet, Paolo Costa, Jean Louis Cottigny, Michael Cramer, Corina Crețu, Gabriela Crețu, Brian Crowley, Marek Aleksander Czarnecki, Daniel Dăianu, Joseph Daul, Dragoș Florin David, Antonio De Blasio, Bairbre de Brún, Arūnas Degutis, Véronique De Keyser, Panayiotis Demetriou, Gérard Deprez, Proinsias De Rossa, Marie-Hélène Descamps, Mía De Vits, Agustín Díaz de Mera García Consuegra, Jolanta Dičkutė, Giorgos Dimitrakopoulos, Vasile Dîncu, Valdis Dombrovskis, Beniamino Donnici, Brigitte Douay, Avril Doyle, Mojca Drčar Murko, Andrew Duff, Árpád Duka-Zólyomi, Constantin Dumitriu, Christian Ehler, Lena Ek, Saïd El Khadraoui, Harald Ettl, Jill Evans, Jonathan Evans, Robert Evans, Göran Färm, Richard Falbr, Carlo Fatuzzo, Szabolcs Fazakas, Emanuel Jardim Fernandes, Francesco Ferrari, Anne Ferreira, Elisa Ferreira, Ilda Figueiredo, Petru Filip, Věra Flasarová, Hélène Flautre, Nicole Fontaine, Glyn Ford, Monica Frassoni, Sorin Frunzăverde, Urszula Gacek, Kinga Gál, Vicente Miguel Garcés Ramón, Jean-Paul Gauzès, Jas Gawronski, Eugenijus Gentvilas, Georgios Georgiou, Bronisław Geremek, Lidia Joanna Geringer de Oedenberg, Claire Gibault, Adam Gierek, Neena Gill, Robert Goebbels, Ana Maria Gomes, Donata Gottardi, Genowefa Grabowska, Friedrich-Wilhelm Graefe zu Baringdorf, Nathalie Griesbeck, Elly de Groen-Kouwenhoven, Lilli Gruber, Ignasi Guardans Cambó, Ambroise Guellec, Pedro Guerreiro, Umberto Guidoni, Catherine Guy-Quint, András Gyürk, Fiona Hall, David Hammerstein, Benoît Hamon, Małgorzata Handzlik, Gábor Harangozó, Marian Harkin, Rebecca Harms, Satu Hassi, Adeline Hazan, Anna Hedh, Gyula Hegyi, Jacky Hénin, Erna Hennicot-Schoepges, Jeanine Hennis-Plasschaert, Jim Higgins, Jens Holm, Krzysztof Hołowczyc, Mary Honeyball, Milan Horáček, Richard Howitt, Ian Hughton, Stephen Hughes, Alain Hutchinson, Filiz Hakaeva Hysmenova, Mikel Irujo Amezaga, Marie Anne Isler Béguin, Lily Jacobs, Anneli Jäätteenmäki, Stanisław Jałowiecki, Mieczysław Edmund Janowski, Lívia Járóka, Anne E. Jensen, Pierre Jonckheer, Romana Jordan Cizelj,

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Madeleine Jouye de Grandmaison, Ona Juknevičienė, Jelko Kacin, Filip Kaczmarek, Gisela Kallenbach, Othmar Karas, Sylvia-Yvonne Kaufmann, Piia-Noora Kauppi, Metin Kazak, Tunne Kelam, Glenys Kinnock, Evgeni Kirilov, Wolf Klinz, Jaromír Kohlíček, Maria Eleni Koppa, Magda Kósáné Kovács, Miloš Koterec, Rodi Kratsa-Tsagaropoulou, Wolfgang Kreissl-Dörfler, Ģirts Valdis Kristovskis, Wiesław Stefan Kuc, Jan Jerzy Kułakowski, Sepp Kusstatscher, Zbigniew Krzysztof Kuźmiuk, André Laignel, Jean Lambert, Stavros Lambrinidis, Vytautas Landsbergis, Esther De Lange, Anne Laperrouze, Henrik Lax, Johannes Lebech, Roselyne Lefrançois, Bernard Lehideux, Jörg Leichtfried, Jo Leinen, Katalin Lévai, Janusz Lewandowski, Bogusław Liberadzki, Marcin Libicki, Eva Lichtenberger, Marie-Noëlle Lienemann, Kartika Tamara Liotard, Alain Lipietz, Pia Elda Locatelli, Antonio López-Istúriz White, Andrea Losco, Caroline Lucas, Sarah Ludford, Astrid Lulling, Elizabeth Lynne, Marusya Ivanova Lyubcheva, Linda McAvan, Arlene McCarthy, Mary Lou McDonald, Mairead McGuinness, Jamila Madeira, Ramona Nicole Mănescu, Erika Mann, Thomas Mann, Mario Mantovani, Marian-Jean Marinescu, Helmuth Markov, David Martin, Jean-Claude Martinez, Jan Tadeusz Masiel, Jiří Maštálka, Véronique Mathieu, Marios Matsakis, Maria Matsouka, Manolis Mavrommatis, Erik Meijer, Íñigo Méndez de Vigo, Willy Meyer Pleite, Marianne Mikko, Miroslav Mikolášik, Francisco José Millán Mon, Gay Mitchell, Nickolay Mladenov, Viktória Mohácsi, Cristóbal Montoro Romero, Claude Moraes, Eluned Morgan, Luisa Morgantini, Philippe Morillon, Elisabeth Morin, Jan Mulder, Roberto Musacchio, Joseph Muscat, Robert Navarro, Bill Newton Dunn, Annemie Neyts-Uyttebroeck, Rareș-Lucian Niculescu, Lambert van Nistelrooij, Ljudmila Novak, Raimon Obiols i Germà, Vural Öger, Cem Özdemir, Péter Olajos, Jan Olbrycht, Seán Ó Neachtain, Gérard Onesta, Janusz Onyszkiewicz, Dumitru Oprea, Josu Ortuondo Larrea, Csaba Öry, Siiri Oviir, Justas Vincas Paleckis, Marie Panayotopoulos-Cassiotou, Pier Antonio Panzeri, Dimitrios Papadimoulis, Atanas Paparizov, Georgios Papastamkos, Neil Parish, Ioan Mircea Pașcu, Vincent Peillon, Alojz Peterle, Maria Petre, Tobias Pflüger, Willi Piecyk, Rihards Pīks, Józef Pinior, Mirosław Mariusz Piotrowski, Umberto Pirilli, Hubert Pirker, Paweł Bartłomiej Piskorski, Lapo Pistelli, Gianni Pittella, Zita Pleštinšká, Rovana Plumb, Zdzisław Zbigniew Podkański, Samuli Pohjamo, Lydie Polfer, Mihaela Popa, Bernd Posselt, Christa Prets, Pierre Pribetich, Vittorio Prodi, Jacek Protasiewicz, Bilyana Ilieva Raeva, Miloslav Ransdorf, Karin Resetarits, José Ribeiro e Castro, Frédérique Ries, Karin Riis-Jørgensen, Marco Rizzo, Bogusław Rogalski, Zuzana Roithová, Raül Romeva i Rueda, Wojciech Roszkowski, Libor Rouček, Martine Roure, Paul Rübig, Heide Rühle, Leopold Józef Rutowicz, Eoin Ryan, Tokia Saïfi, Aloyzas Sakalas, Daciana Octavia Sârbu, Toomas Savi, Luciana Sbarbati, Christel Schaldemose, Pierre Schapira, Karin Scheele, Agnes Schierhuber, Olle Schmidt, György Schöpflin, Jürgen Schröder, Elisabeth Schroedter, Willem Schuth, Esko Seppänen, Czesław Adam Siekierski, José Albino Silva Peneda, Brian Simpson, Kathy Sinnott, Peter Skinner, Csaba Sógor, Søren Bo Søndergaard, María Sornosa Martínez, Jean Spautz, Bart Staes, Grażyna Staniszevska, Margarita Starkevičiūtė, Peter Šťastný, Dirk Sterckx, Struan Stevenson, Catherine Stihler, Daniel Stroj, Margie Sudre, László Surján, Gianluca Susta, Eva-Britt Svensson, Hannes Swoboda, József Szájer, Andrzej Jan Szejna, Konrad Szymański, Csaba Sándor Tabajdi, Britta Thomsen, Marianne Thyssen, Silvia-Adriana Țicău, Gary Titley, Patrizia Toia, László Tőkés, Ewa Tomaszewska, Witold Tomczak, Jacques Toubon, Catherine Trautmann, Kyriacos Triantaphyllides, Helga Trüpel, Claude Turmes, Evangelia Tzampazi, Felekna Uca, Vladimir Urutchev, Nikolaos Vakalis, Anne Van Lancker, Daniel Varela Suanzes-Carpegna, Ioannis Varvitsiotis, Ari Vatanen, Yannick Vaugrenard, Armando Veneto, Donato Tommaso Veraldi, Bernadette Vergnaud, Cornelis Visser, Oldřich Vlasák, Johannes Voggenhuber, Sahra Wagenknecht, Henri Weber, Renate Weber, Anders Wijkman, Glenis Willmott, Bernard Wojciechowski, Janusz Wojciechowski, Francis Wurtz, Anna Záborská, Zbigniew Zaleski, Mauro Zani, Andrzej Tomasz Zapałowski, Stefano Zappalà, Tatjana Ždanoka, Dushana Zdravkova, Gabriele Zimmer, Marian Złotea, Tadeusz Zwiefka

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The role of civil society in drugs policy in the European Union

P6_TA(2008)0169

European Parliament resolution of 23 April 2008 on the Green Paper on the role of civil society in drugs policy in the European Union (2007/2212(INI))

(2009/C 259 E/05)

The European Parliament,

- having regard to its recommendation of 15 December 2004 to the Council and the European Council on the EU drugs strategy (2005-2012) ⁽¹⁾,
- having regard to the Commission's Green Paper of 26 June 2006 on the role of Civil Society in Drugs Policy in the European Union (COM(2006)0316),
- having regard to the Report and the replies received on the results of the open consultation carried out under the abovementioned Green Paper published on 18 April 2007 ⁽²⁾,
- having regard to Title VI of the EU Treaty and in particular Article 29 and Article 31(1) (e) thereof,
- having regard to the international, European and national instruments for the protection of human rights and fundamental freedoms and, in particular, the protection of the right to life and health,
- having regard to the UN Single Convention on Narcotic Drugs of 30 March 1961, amended by the Geneva Protocol of 25 March 1972; and to the UN Conventions on Psychotropic Substances of 21 February 1971; and against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 19 December 1988,
- having regard to Regulation (EC) No 1920/2006 of the European Parliament and of the Council of 12 December 2006 on the European Monitoring Centre for Drugs and Drug Addiction ⁽³⁾, which recast the earlier legislation,
- having regard to the 2007 annual report of the European Monitoring Centre for Drugs and Drug Addiction ⁽⁴⁾,
- having regard to Decision No 1150/2007/EC of the European Parliament and of the Council of 25 September 2007 establishing for the period 2007-2013 the Specific Programme 'Drug prevention and information' as part of the General Programme 'Fundamental Rights and Justice' ⁽⁵⁾ and in particular Articles 2 to 7 thereof,
- having regard to the Commission Staff Working Document entitled 2006 Progress Review on the implementation of the EU Drugs Action Plan (2005-2008) of 21 December 2006 (SEC(2006)1803),
- having regard to the Communication from the Commission on the 2007 Progress Review of the implementation of the EU Action Plan on Drugs (2005-2008) of 10 December 2007 (COM(2007)0781),
- having regard to the EU Drugs Action Plan (2005-2008) adopted by Council in June 2005 ⁽⁶⁾,

⁽¹⁾ OJ C 226 E, 15.9.2005, p. 233.

⁽²⁾ http://ec.europa.eu/justice_home/news/consulting_public/news_consulting_public_en.htm

⁽³⁾ OJ L 376, 27.12.2006, p. 1.

⁽⁴⁾ <http://www.emcdda.europa.eu/html.cfm/index407EN.html>

⁽⁵⁾ OJ L 257, 3.10.2007, p. 23.

⁽⁶⁾ OJ C 168, 8.7.2005, p. 1.

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- having regard to Council Decision 2005/387/JHA of 10 May 2005 on the information exchange, risk-assessment and control of new psychoactive substances ⁽¹⁾,
 - having regard to the EU Drugs Strategy (2005-2012) endorsed by the European Council of 16-17 December 2004 ⁽²⁾,
 - having regard to Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors ⁽³⁾,
 - having regard to the Political Declaration on Drugs and the resolutions adopted at the UN General Assembly Special Session (UNGASS) of 8 and 10 June 1998,
 - having regard to the UN activities and in particular to the fifty-first session of the Commission on Narcotic Drugs which took place in Vienna on 10-14 March 2008 ⁽⁴⁾,
 - having regard to the White Paper on European Governance (COM(2001)0428) and to the Communications from the Commission entitled 'Towards a reinforced culture of consultation and dialogue — General principles and minimum standards for consultation of interested parties by the Commission' (COM(2002)0704) and 'Strategic objectives 2005-2009, Europe 2010: a Partnership for European Renewal — Prosperity, Solidarity and Security' (COM(2005)0012),
 - having regard to Rule 45 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 Women's Rights and Gender Equality (A6-0073/2008),
- A. whereas a more searching dialogue between and with the various components of civil society (at transnational, national, regional and local level) on a European scale should be promoted, with a view to improving the formulation, implementation and assessment of decisions relating to drugs-related policies at both Member State and EU level,
 - B. whereas the organisation of civil society groupings at European level has clearly added value from the point of view of national, regional and local civil society organisations,
 - C. whereas in particular civil society can bring a breadth of experience to particular aspects of drugs policies, such as prevention, provision of information, support for those emerging from dependence, and social reintegration,
 - D. whereas the priority objective for the 2005-2012 EU Drugs Strategy is to provide accurate information and strengthen the role played by civil society in relation to drugs,
 - E. whereas the Green Paper on the role of Civil Society in Drugs Policy in the EU and the establishment of the Civil Society Forum on Drugs represent a first practical step towards the achievement of that objective,
 - F. whereas most organisations that responded to the Commission's consultation gave a very favourable reception to the idea of thematic linking of existing networks,
 - G. whereas it is important for there to be greater synergy between civil society and the EU institutions and bodies for the purpose of establishing a relationship based on continuous consultation and encouraging the exchange of information and best practices, with particular attention to scientific contributions,
 - H. whereas the prime importance of action and of enhancing the role of the civil society organisations involved in cooperation with third countries and in the promotion of alternative, sustainable strategies for dealing with the drugs issues, should be emphasised,

⁽¹⁾ OJ L 127, 20.5.2005, p. 32.

⁽²⁾ doc. 15074/1/04.

⁽³⁾ OJ L 47, 18.2.2004, p. 1.

⁽⁴⁾ http://www.unodc.org/documents/commissions/CND-Session51/CND-51_Info_Participants.pdf

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- I. whereas an open medium such as the Internet should be included in any proposed structure for dialogue or consultations held with selected networks on specific issues, which would be backed up by open consultation of all interested stakeholders,
 - J. whereas the important role that civil society can play in the matter should complement and reinforce the considerable responsibility of the Member States and international organisations to cooperate in the fight against the production of and trafficking in drugs, as they do in the case of terrorism,
 - K. whereas a deeper involvement of the EU institutions with civil society in the field of drugs policies would help them to assess the current strategies properly,
 - L. whereas the term 'drugs' is intended to cover narcotic drugs and psychotropic substances as defined by the abovementioned UN Conventions,
 - M. whereas drug use can lead to specific health risks for young girls and women, in particular as regards pregnancy or the transmission of HIV/AIDS,
 - N. whereas men tend to outnumber women in treatment programmes and women constitute around 20 % of those entering drug treatment programmes in the EU today,
 - O. whereas significant differences in levels and patterns of drug use have been identified between men and women; whereas research studies show important gender differences in a range of physiological and psycho-social factors associated with the development of dependency, risk-taking and help-seeking behaviour,
1. Acknowledges the fundamental role of civil society in supporting the development, definition, implementation, evaluation and monitoring of drugs policies; stresses in particular the added value represented by its experience on the ground, its capacity for innovation and its potential in terms of information exchange and best practice, scientifically tested and documented in the actual application of drugs policies;
 2. Calls on all Member State governments, non-governmental organisations, civil society, and parent and professional associations to conduct exhaustive information campaigns on:
 - the risks and damage to physical and mental health caused by drugs, in particular to young girls, pregnant or breast-feeding women and children,
 - maternal health and the transmission of drugs from mother to foetus,
 - the treatments available for minors and delinquents addicted to drugs,
 - support for parents of children who use drugs;
 3. Acknowledges that churches and religious communities have been very active in the fight against drugs, and their experiences should therefore be taken into account in the formulation, implementation and assessment of drugs policies;
 4. Insists on a strengthening of the role played by civil society in developing a drugs policy embodying a European approach, which is the main objective of the 2005-2012 EU drugs strategy;
 5. Stresses the importance of the role to be played by the Internet in ensuring a transparent and coherent way of exchanging information about the implementation and development of the 2005-2012 EU drugs strategy, facilitating the involvement of and guaranteeing the participation of civil society (including users and community groups) in implementing the abovementioned Action Plan — at all levels and in the Civil Society Forum on Drugs — improving access to and the effectiveness of prevention programmes and raising awareness;

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6. Stresses the fundamental partnership with the media, including the electronic media, in disseminating scientific information about the risks of drug use on physical and mental health, particularly among young women and pregnant women; encourages such media to become principal partners in campaigns against drugs on account of their influence on the younger generation;

7. Welcomes the implementation of the 2007-2013 Specific Programme on Drugs Prevention and Information and points out that the involvement of civil society in the implementation and the development of the 2005-2012 EU Drugs Strategy is a specific objective of that Programme;

8. Regrets the fact that there has been a delay in the implementation of the funding made available in connection with that Programme;

9. Calls on the Commission to ensure that the new 2008-2013 health strategy takes account of the different impact of drugs on women, particularly with reference to the financing of anti-drug information programmes run by civil society organisations;

Forum — structural dimension

10. Stresses the importance of setting up the Civil Society Forum on Drugs as a first step towards the more practical and constructive involvement of European civil society associations in EU activities relating to policies to prevent drug use and combat drugs;

11. Regrets the fact that the process of selecting participants in the Civil Society Forum on Drugs has been perceived by certain organisations as lacking in transparency, and calls on the Commission to consider ways of remedying this problem, hoping that in future, enlargements of the Forum will happen in a more transparent way;

12. Considers that the Civil Society Forum on Drugs should be inclusive rather than exclusive, representing a wide spectrum and balance of views;

13. Points out that the purpose of the Civil Society Forum on Drugs is not to create an assembly intended to voice various ideologies, but to engage in a dialogue and direct contact with associations in the front line of the fight against drugs at the level of both prevention and rehabilitation, and to have a practical means of supporting the drawing-up and implementation of policies to prevent drug use and combat drugs on the basis of successful experience, as well as an analysis of the cross-border problems within the European Union arising from differences in national legislation, particularly in border areas;

14. Calls on the Member States to exchange best practices currently being used in the fight against drugs and in prevention and information for children and young people, and to encourage their development, in collaboration with representatives of civil society;

15. Regrets the poor participation in the Forum by organisations representing the new Member States; insists on the need for civil society in the new Member States to be made aware and more extensively involved, in view of the importance of those countries in an enlarged EU;

16. Regrets the lack of participation of non-governmental national and trans-national networks especially representative of women, mothers and young girls' associations as well as organisations dealing with sexual and reproductive health and rights in the first Civil Society Forum on Drugs held in December 2007; calls on the Commission to actively encourage the participation of such organisations as well as other organisations that have valuable experience relating to drugs and drug abuse in order to provide accessible and widely available specialised services;

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17. Supports the Commission in its efforts to find a role to be played by the Civil Society Forum on Drugs in the European approach to drugs, so that the ultimate objectives to be sought through consultation of the Forum can be clarified;

18. Considers that the Civil Society Forum on Drugs should have a clear mandate, well defined agendas, transparent procedures and achievable work plans with real input into the policy-making process;

19. Hopes that dialogue with civil society will have a tangible impact on the EU's decision-making process; considers, therefore, that civil society should be given formal status in connection with the objectives set out in the 2005-2012 EU Drugs Strategy and with future initiatives, inter alia through:

- participation, among other independent bodies, by the Forum in the evaluation of the EU Drugs Action Plan (2005-2008) that will be carried out by the Commission in 2008;
- more far-reaching and transparent relations with the Member States with a view to genuine cooperation between the Forum and the Member States;
- the permanent presence of the Forum at meetings held by the EU Presidency with national drug action coordinators;
- permanent contacts with Parliament, and Parliament's holding of an annual conference with the Forum, other concerned groups and the EU institutions working in the field of drugs, and assessing the results obtained;
- strong synergy between the activities of the Forum and those of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), which could devote a section of its annual report to the activities of EU civil society;

20. Calls on the EMCDDA to gather statistics concerning women's consumption of drugs in the European Union, to analyse the trend in such consumption and to take account of gender-differentiated impacts in its annual report, with the aim of providing better information and making European civil society aware of the problem more successfully;

21. Encourages the thematic linking of existing networks, either at the margins of the Civil Society Forum on Drugs or in the form of working parties or subgroups within the framework of the Forum;

22. Calls for, subject to budgetary control, a financial commitment from the EU to support EU civil society activities in connection with current projects and future initiatives in the field;

23. Calls on the Member States, where possible, to extend provisions concerning State funding to services provided by civil professional organisations, subject to compliance with appropriate quality assurance criteria, not only in the case of health or social services, but also in the case of harm-reduction and low-threshold services; considers that it thus will be possible to ensure that the functioning of the services can be planned and sustainable, and that they comply with quality standards;

24. Stresses how important it is for society to set aside funding to support voluntary organisations and parents' associations which are committed to combating drug abuse, particularly among young people;

Civil society — the internal dimension

25. Stresses the importance of action by civil society in achieving the objectives set out in the 2005-2012 EU Drugs Strategy as regards policies on prevention, the provision of information, the management of problems associated with drugs dependencies and the monitoring of the proper implementation of these policies;

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26. Calls on all parties involved at both EU and Member State level to pay greater attention to the innovative aspects which civil society's experience may contribute to achieving the objectives set out in the 2005-2012 EU Drugs Strategy, with particular reference to public awareness initiatives, harm-reduction policies, support for those emerging from dependence and social reintegration policies;

27. Attaches importance to strengthening the dialogue at EU level with organisations representing drug users — a necessary aspect of any response to the challenges of social reintegration and providing support for those emerging from dependence;

28. Calls on the Commission and the Member States to promote — with the cooperation of civil society — equal access to the programmes, secure coverage of hidden populations and marginalised groups and work towards capacity building — in order to ensure the sustainability and efficiency of the implemented programmes;

29. Calls on the Commission and the Member States to promote initiatives by civil society aimed at:

- reinforcing prevention and information on the risks of using drugs and psychotropic substances in the workplace and among young people;
- treating drug addicts who are in prison;
- putting in place detailed prevention plans to combat the use of drugs and psychotropic substances in at-risk urban neighbourhoods, particularly among young people, with the help of social and trade union organisations, in such a way as to meet physical and mental health needs in these neighbourhoods;
- organising information and prevention campaigns on drugs and their damaging effects on health and social life, in collaboration with parents', students', teachers' organisations and scientists, to be conducted in schools, reaching out to different demographic groups;
- implementing harm-reduction policies by direct contact work in the streets and deprived areas of towns and cities;
- developing and putting in place special reintegration projects for street children and socially disadvantaged families;

30. Refers to increasing concerns that women may not be accessing care due to a lack of social and economic support and, in particular, childcare obligations, which have been identified as factors that can inhibit women from making use of drug treatment services; points out that compared with services that do not provide childcare facilities, those that do often have higher proportions of women among their clients;

31. Calls on the Commission and the Member States to pay particular attention to border regions, which often have to deal with the effects of differences in national legislation on drugs;

32. Supports civil society organisations in acting, in full awareness, to fight the consumption of drugs and their derivatives by minors;

33. Calls on the European Union Agency for Fundamental Rights to carry out an analysis of the effects of anti-drugs policies and to assess their effectiveness, and whether and to what extent such policies have overstepped the mark and represented an infringement of individual rights;

34. Stresses the need to base drugs policies on sound scientific evidence obtained in cooperation with civil society in the field of drugs-related research, acknowledging the need to develop research-based, fact-driven policies and to implement evidence-based activities, including those aimed at preventing and reducing health-related harm;

35. Calls on the Member States to step up common activities and common executive services between law enforcement agencies and civil society organisations, particularly at local community level;

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Civil society — the external dimension

36. Acknowledges the importance of the role played by civil society in connection with the external dimension of Europe's drugs policy and values the fact that the EU is the world leader in the fight against drugs as regards the financing of external programmes and initiatives;

37. Calls for consideration and support to be given to an external EU strategy which will have a sustainable, tangible and practical impact on the situation in the regions where the raw materials of drugs are produced;

38. Emphasises the experience of European organisations which are involved in promoting the switch from local cultivation to therapeutic and other medical uses, recalling at the same time that such cultivation should be kept constantly under the strictest of controls;

39. Calls on the Commission and the Member States to explore ways of cooperating with EU civil-society organisations involved in promoting substances derived from coca leaves for lawful use purely as a means of contributing effectively (by absorbing raw materials) to international action against drugs trafficking, ensuring at the same time the safe use of such substances;

40. Calls on the Commission and the Member States to follow up its recommendation to the Council of 25 October 2007 on production of opium for medical purposes in Afghanistan ⁽¹⁾ and to support the civil society initiatives cooperating with countries producing drugs in the fight against drugs and their possible positive effects in those countries' democratisation process; stresses the importance of promoting for example pilot schemes such as 'poppies for medicine', which are intended to switch some of the existing illegal cultivation of poppies to industrial production of legal, opium-based painkillers and to consider the benefits which may be derived from the granting of licences for the use of poppy crops for medical purposes, as well as to determine in what way this may be brought about and with what controls under the responsibility of the UN;

41. Calls on the Commission, together with civil society, to explore the possibilities of combating illegal poppy plantations by means of spraying which is not harmful to humans, animals or the environment;

42. Calls on the Commission and the Member States to take advantage of cooperation involving the scientific institutes of Member States, scientific organisations and medical reviews, as well as study centres, associations, specialist institutes and civil society organisations which in recent years have provided a reference point for policies designed to combat drugs trafficking and for the analysis of the geo-political situation and of the economic flows stemming from the international narcotics trade;

43. Attaches importance to promoting cooperation between EU associations and international networks of drugs associations in order to encourage the exchange of experience and information;

44. Notes the experience of the Vienna NGO Committee on Narcotic Drugs — an NGO committee representing civil society at the UN Office on Drugs and Crime (UNODC) and hopes that a wider participation by organisations and individuals will characterise the future activities of that Committee, bearing in mind proposals such as 'Beyond 2008' — an initiative whose main objective is to promote the role of civil society in the ten-year revision of the parameters established in 1998 at the UN General Assembly Special Session (UNGASS) on Drugs; proposes to establish similar consultations amongst European associations with a view to revising the EU Drugs Strategy after 2012;

45. Takes the view, in order to learn lessons for the future strategy, that 10 years after the 1998 UNGASS on Drugs — whose main objective was 'a world without drugs' within 10 years — it is necessary to proceed to an assessment of the actual results of the current drugs policies to determine which strategies were successful;

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⁽¹⁾ Texts Adopted, P6_TA(2007)0485.

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46. Instructs its President to forward this resolution to the Council and, for information, to the European Council, the Commission and the governments and parliaments of the Member States, the European Monitoring Centre for Drugs and Drug Addiction, the Council of Europe and the United Nations and its specialist agencies.

Programming implementation of the 10th European Development Fund

P6_TA(2008)0171

European Parliament resolution of 23 April 2008 on the implementation of the programming of the 10th European Development Fund (2007/2138(INI))

(2009/C 259 E/06)

The European Parliament,

- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States of the other part, signed in Cotonou, Benin, on 23 June 2000 ⁽¹⁾ (the Cotonou Agreement),
 - having regard to the Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, on the financing of Community aid under the multiannual financial framework for the period 2008 to 2013 in accordance with the ACP-EC Partnership Agreement and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the EC Treaty applies ⁽²⁾,
 - having regard to Council Regulation (EC) No 617/2007 of 14 May 2007 on the implementation of the 10th European Development Fund under the ACP-EC Partnership Agreement ⁽³⁾,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Development and the opinions of the Committee on Foreign Affairs and the Committee on Budgets (A6-0042/2008),
- A. whereas implementation of the 10th European Development Fund (EDF) depended on completion of the ratification process (by all of the EU Member States and two thirds of the members of the African, Caribbean and Pacific (ACP) Group of States) no later than 30 November 2007 in order to allow entry into force on 1 January 2008 (Article 93(3) of the Cotonou Agreement),
- B. having regard to the 'sunset clause', which now rules out the possibility of using balances remaining from earlier EDFs,
- C. having regard to the Commission's undertaking to ensure that the full amount of funding under the 9th EDF would be committed by 31 December 2007,
- D. whereas the EDF to this day remains outside the EU budget, in spite of Parliament's calls for its incorporation,
- E. whereas the fact that the European Parliament and the national parliaments exercise no formal scrutiny over the EDF, because it is not entered in the EU budget, is, in democratic terms, a democratic deficit,

⁽¹⁾ OJ L 317, 15.12.2000, p. 3. Agreement as revised by the agreement signed on 25 June 2005 (OJ L 209, 11.8.2005, p. 27).

⁽²⁾ OJ L 247, 9.9.2006, p. 32.

⁽³⁾ OJ L 152, 13.6.2007, p. 1.

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- F. having regard to the study conducted by the Commission in 64 ACP countries on the involvement of non-state actors in the programming of the 10th EDF, which showed that although information was provided in every case, genuine participation occurred in only half of the countries studied,
- G. whereas at the Lisbon EU-Africa Summit (8-9 December 2007) a new Africa-EU strategic partnership was launched, together with an 'Action Plan (2008-2010)', both based on 'the ... principles of the unity of Africa, the interdependence between Africa and Europe, ownership and joint responsibility, and respect for human rights, democratic principles and the rule of law, as well as the right to development', and whereas at that meeting the European Parliament and the Pan-African Parliament also adopted a Joint Statement calling for the parliaments to play a stronger role in the new strategy,
- H. having regard to the political commitments of the EU and the Member States relating to development aid — in particular for Africa — and its effectiveness,
- I. having regard to the EU's pledge to increase its aid for trade to EUR 2 000 000 000 by 2010 (with EUR 1 000 000 000 to be provided by the Commission and EUR 1 000 000 000 by the Member States),
- J. having regard to the indicative breakdown of funding under the 10th EDF, in which roughly 30 % is earmarked for general budgetary support, 30 % for infrastructure, 15 % for governance (including peace and security), 8 % for agriculture and rural development, and 8 % for social sectors and social cohesion, the remainder being split among areas including economic development, institutional support, and the environment,
- K. whereas the proportion of funding allocated to education and basic health is slightly lower under the 10th EDF than under the 9th EDF,

Challenges and objectives of the 10th EDF

1. Points to the importance of what is at stake in the implementation of the EDF in the period from 2008 to 2013, not least in view of the political commitments that the EU and the Member States have entered into regarding development aid, the ongoing moves towards a revitalised partnership between Europe and Africa, and the EU's contribution to help achieve the Millennium Development Goals (MDGs) in 2015;
2. Fully endorses the primary objective of cooperation laid down in Article 1 of Regulation (EC) No 617/2007, namely 'the eradication of poverty in partner countries and regions in the context of sustainable development, including pursuit of the Millennium Development Goals'; attaches the utmost importance to ensuring that these priority objectives are put into practice by means of all the implementing instruments and procedures provided for in the regulation and deplores the fact that the provisions relating to Country Strategy Papers and Regional Strategy Papers are based on a restrictive interpretation of these objectives;
3. Calls for implementation of the EDF to be equated with the EU international commitments referred to in Article 177(3) of the EC Treaty;
4. Maintains that the EDF must be implemented in accordance with the United Nations Development Programme (UNDP) recommendations on the use of official development assistance (ODA) and that, at the very least, any measure should be excluded from the programming if it does not satisfy the criteria for ODA laid down by the Development Assistance Committee (DAC) of the Organisation for Economic Cooperation and Development; calls for Article 2(3) of Regulation (EC) No 617/2007 to be amended accordingly;
5. Welcomes the desire for simplification and harmonisation, the chief concern when new Regulation (EC) No 617/2007 was drawn up; considers that the determination to move into line with the development cooperation instrument ⁽¹⁾ (DCI) should help to strengthen Parliament's role in monitoring and supervising EDF implementation;

⁽¹⁾ Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation (OJ L 378, 27.12.2006, p. 41).

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6. Is in favour of incorporating the EDF into the EU budget in order to increase the consistency, transparency and effectiveness of development cooperation and guarantee democratic scrutiny thereof; stresses that incorporation of the EDF into the budget is also an appropriate way of addressing recurrent problems relating to the cumbersome nature and slowness of the intergovernmental ratification process; calls on the Council to provide for the budgetisation of the EDF in the context of the mid-term review of the financial framework in 2009;

7. Welcomes the decision whereby the paragraph excluding the EDF from the scope of the Treaty, Article 179(3), will not be reproduced in the Treaty of Lisbon, thus opening the way for the EDF to be incorporated in the EU budget;

8. Points out that its emphasis on coherence in the policies to promote development and in Europe's commitments stems from its concern to prevent development policy aims being overturned by other Union policies with development policy implications (trading, environmental, security, and agricultural policy, etc.);

9. Calls on the Commission to focus more attention on the outflow of skilled labour from the ACP countries to the EU and propose appropriate measures to help people to stay in, or return to, their home countries;

10. Points to its support for the principles of ownership and participation at the heart of the Cotonou Agreement and the European Consensus on Development ⁽¹⁾;

Time frame

11. Calls on the EU Member States and the ACP countries which have not yet done so to ratify the Internal Agreement and the revised Cotonou Agreement so as to begin the implementation of the 10th EDF as soon as possible;

12. Notes the Commission's undertaking that all the 9th EDF funds will be committed before the 31 December 2007 deadline; calls on the Commission to take all the appropriate measures to ensure that no appropriation is affected by the sunset clause and that the continuity of funding is guaranteed;

13. Stresses that, owing to this binding time frame, it has not been possible fully to associate civil societies and parliaments in the programming and insists that these shortcomings in the consultation process be remedied at the implementation stage;

Strategy papers and priority action areas

14. Stresses that, in order to attain the objectives laid down in Article 1 of Regulation (EC) No 617/2007, programming should give priority to action aimed at poverty reduction, with a specific emphasis on MDG-related areas such as the social sectors, in particular public health and basic education; stresses that the undertaking given in the context of the DCI to devote 20 % of funds to health and basic education by 2009 should apply to all European development policy spending including the EDF in order to be coherent;

15. Notes the Commission's intention to attain this objective through budgetary support, but regrets that no global strategy has been drawn up jointly with the beneficiary countries to include the health and education sectors in the priorities in the national strategy papers; calls for this issue to be reassessed in the context of the mid-term review to attain the 20 % objective;

⁽¹⁾ Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: The European Consensus (OJ C 46, 24.2.2006, p. 1).

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16. Stresses that durable poverty reduction can only be achieved in a situation of sustainable economic, social and environmental development; stresses further that all EDF action should therefore be part of a development process aimed at creating a strong economy that is protective of the environment and where nobody is deprived of basic social services;

17. Stresses that sustainable development can never be fully achieved in situations of war, civil strife or political instability; considers therefore that priority should also be given to democracy-building and efforts to maintain or support peace, the rule of law, stable and democratic institutions, as well as full respect for human rights;

18. Takes the view that national strategy papers should be subject to democratic scrutiny and should not therefore be drawn up and applied without parliamentary scrutiny; considers that passing on national strategy papers to the ACP-EU Joint Parliamentary Assembly (JPA) is a significant contribution to the ownership objective enshrined in the Cotonou Agreement and represents a positive step towards conferring institutional power, in the comitology framework, on the JPA and the European Parliament; calls on the Commission to ensure that the JPA has the material resources to successfully complete its work on the national strategy papers and that its opinions are dealt with in Commission follow-up reports;

19. Deplores the fact that Regulation (EC) No 617/2007 makes no provision for any explicit procedure to involve or consult the European Parliament, the national parliaments, local authorities and non-state actors (NSAs) in the drafting, monitoring and assessment of national strategy papers; calls on the Council and the Commission to systematically include such consultations in the programming;

Gender dimension

20. Deplores the fact that the gender dimension has not been included as a specific area of action; calls for this decision to be reconsidered in the context of the mid-term review of the implementation of the EDF, in agreement with the ACP partners;

21. Calls on the Commission to honour commitments made with regard to gender equality in key policy documents such as the European Consensus on Development and the Joint EU-Africa Strategy and indeed in the Cotonou Agreement, and thus to guarantee that gender issues will be included among the political priorities of the ACP-EU partnership, with adequate attention and funding given in the context of gender mainstreaming; insists that the visibility of gender issues be increased by including a relevant chapter and specific indicators in the annual report drawn up by the Commission in order to improve the monitoring and supervision of the progress achieved;

Budgetary support

22. Takes the view that budgetary support can make an effective contribution to the eradication of poverty and achievement of the MDGs, in particular where resources are concentrated on the basic education and health sectors; shares the Commission's avowed determination to apply leverage through budgetary support in order to increase the proportion of national budgets earmarked for these sectors;

23. Recalls that the effectiveness and legitimacy of budgetary support are conditional upon strict respect for a number of prior conditions, in particular, on the one hand, closer coordination between donors and, on the other, respect for democratic rules, good governance and a system for the management of public finances scrutinised by a democratically elected parliament in the beneficiary countries; calls on the Commission to ensure that these prior conditions are rigorously complied with before initiating any budgetary support programme;

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24. Welcomes the Commission's undertaking to link budgetary support directly to progress made in achieving the MDGs and to help attain the MDGs by means of 'MDG contracts' providing guaranteed funding over a longer period, thus serving to make aid more predictable;

25. Calls for budgetary support to be assessed on the basis of transparent, reliable indicators enabling progress on the MDGs to be gauged and for that assessment to be the subject of a report to be submitted annually to the European Parliament, the JPA, the national parliaments, and NSAs;

26. Calls for specific resources to be allocated, in the context of budgetary support, to capacity building for all ACP parliaments in the area of budgetary monitoring;

Incentive tranche

27. Recalls its attachment to the promotion of good governance and is prepared to endorse the principle of a 'good governance premium' in the framework of the political dialogue defined in Article 8 of the Cotonou Agreement, provided that the criteria for allocating this premium and implementing procedures are clear and transparent;

28. Notes that a number of criteria established by the Commission for the breakdown of the incentive tranche primarily reflect the interests of the North and protests against any drift towards a form of conditionality of aid based on criteria which do not relate exclusively to good governance;

29. Voices its concern at the interpretation of criteria relating to economic and social governance; protests against the imposition of economic and social 'hidden criteria' and considers that the analysis of legislation and public policy in this area should not lead to liberalisation and deregulation requirements; recommends that criteria relating to the existence and quality of public services should be added to governance profiles; points out that the stance of ACP states or regions on the final choice of whether or not to take part in the Economic Partnership Agreements (EPA) should not constitute a criterion;

30. Calls on the Commission to clarify the decision-making that will determine how incentive tranche funds are to be broken down, and to produce proposals to ensure that the European Parliament and NSAs are informed about this matter;

Regional integration, aid for trade and EPAs

31. Recalls that the EU has undertaken to increase its aid for trade to EUR 2 000 000 000 per year and to devote 50 % of this additional aid to ACP countries, with this increase being covered by additional funds; considers it extremely important that the EU honour its commitment on aid for trade and calls on the Commission and the Council to report on the current situation as regards commitments by the EU and the Member States to attain this objective;

32. Insists that funding from integrated regional programmes should benefit all ACP countries or regions equitably, irrespective of the states' final decision on whether or not to take part in the EPAs; protests against all forms of conditionality linked to participation in an EPA in the allocation of integrated regional programme funds;

33. Repeats its request that the specific needs linked to adjustment of ACP economies in line with EPAs be met using funds over and above the EDF;

Participation

34. Stresses that *a posteriori* examination of the EDF discharge by the European Parliament is an inadequate means of democratic scrutiny and calls on the Council to confer on it, pending the EDF's incorporation into the EU budget, an institutional role relating to the entire process of monitoring and assessing the programming;

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35. Deplores the particularly vague and ambiguous wording of the rules laying down the role of the players in the programming of Community aid (see Article 2(3) of Regulation (EC) No 617/2007); calls for the European Parliament, the national parliaments, local authorities and representative NSAs to be involved in the programming process and in the monitoring and supervision of EDF implementation;

36. Calls on the national parliaments of the EU Member States and ACP countries to exercise close parliamentary scrutiny of governments as regards the programming of the EDF; calls on the Commission to ensure that the national parliaments are actively consulted at every stage when strategy papers are being drafted and followed up;

37. Reiterates its support for the call by the JPA, made at the Assembly's 9th session in April 2005, for an appropriate percentage of EDF funding to be allocated for the education and political training of parliamentary representatives and political, business, and community leaders in order to promote lasting consolidation of good governance, the rule of law, democratic structures, and interaction between government and opposition in pluralist democracies founded on free elections;

Monitoring and evaluation of results

38. Calls for the European Parliament, the national parliaments and NSAs to be consulted in 2010 on the mid-term review of the implementation of the EDF and the investment facility;

39. Welcomes the Commission's drafting of an annual report on the implementation of aid provided under the EDF, which is forwarded to the European Parliament; will be particularly vigilant, in examining this annual report, with regard to the impact of aid on the eradication of poverty and its contribution to achieving the MDGs; calls for this annual report also to be forwarded to the JPA, the national parliaments and non-state actors;

40. Welcomes the fact that the Commission and the European Investment Bank (EIB) intend to assess outcomes regularly, focusing particular attention on progress towards achieving the MDGs, and to involve all stakeholders, including non-state actors, when the time comes to assess Community aid, a process in which the European Parliament, the national parliaments and the JPA will naturally be called upon to participate; calls on the Commission to specify what procedures will be employed and how often such assessments will be made;

41. Maintains that, in times of crisis or conflict, the experience and expertise of members of parliament and civil society representatives are particularly valuable and calls on the Commission to consult them before taking special measures within the meaning of Article 8(2) of Regulation (EC) No 617/2007;

Effectiveness of aid

42. Notes with satisfaction that the Paris Declaration on Aid Effectiveness has been mentioned and calls for the programming of the EDF to conform to its recommendations; maintains, however, that a balanced partnership of equals between the EU and the ACP countries cannot be built solely on the strength of harmonisation and an organised grouping of financial backers, but must foster above all reciprocal obligations and mutual accountability, for instance as regards governance;

43. Encourages the Commission to implement its plan to closely monitor progress in this area and to draw up a specific report in the context of preparations for the Accra summit in September 2008; calls for the assessment of the effectiveness of aid to form the subject of a periodic report, to be submitted to the European Parliament;

44. Acknowledges that the efforts made by the Commission to speed up payments have made it possible to significantly improve the rate of implementation of the EDF; stresses, however, that more needs to be done in this area and calls on Member States to contribute actively to the process; calls on the Commission to draw up, for the European Parliament and the JPA, a three-monthly statement on the disbursement of funds;

45. Fully shares the determination to make aid more predictable when implementing the EDF;

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African Peace Facility

46. Strongly supports the introduction of an African Peace Facility and calls for the operating rules for that instrument to reflect a more intensive political partnership between the EU and the African Union, consistent with the main thrust of the new EU-Africa Joint Strategy;

47. Maintains that the African Peace Facility should be considered a Common Foreign and Security Policy (CFSP) instrument and does not fall under the heading of development as defined by the DAC criteria; greatly deplores the Council's decision of 11 April 2006 that the peace facility should be financed by the EDF;

48. Calls on the Commission and the Council to provide alternative funding at the latest following the evaluation which should be carried out in 2010 of the African Peace Facility; asks to be consulted within this evaluation;

49. Calls for the European Parliament and the JPA to be consulted on the 2008-2010 action programme and the annual activity report on the use of funds, drawn up by the Commission;

Co-financing and consistency with other instruments

50. Approves of the possibility opened up by the programming of the 10th EDF for development projects to be co-financed with Member States or other financial backers;

51. Recommends that this possibility be made available to other EU financial instruments and repeats its call for a new programmable and predictable pan-African financial package to be established, to be funded by the EDF, the specific DCI instruments, and the European neighbourhood policy instrument with a view to financing and supporting the implementation of the new EU-Africa Joint Strategy;

52. Calls for ACP-EU joint programmes to be set up on a co-financing basis to provide joint responses to major world-wide challenges, such as access to global public goods and climate change, and thus to help strengthen the political partnership under the Cotonou Agreement;

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

2007 progress report on the former Yugoslav Republic of Macedonia

P6_TA(2008)0172

European Parliament resolution of 23 April 2008 on the 2007 Progress Report on the former Yugoslav Republic of Macedonia (2007/2268(INI))

(2009/C 259 E/07)

The European Parliament,

— having regard to the Presidency Conclusions of the Thessaloniki European Council of 19-20 June 2003, at which the promise was made to all Western Balkan states that they would join the European Union,

— having regard to Resolutions 817 (1993) of 7 April 1993 and 845 (1993) of 18 June 1993 of the United Nations (UN) Security Council,

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- having regard to the European Council decision of 16 December 2005 to grant the former Yugoslav Republic of Macedonia the status of candidate country for EU membership and the Presidency Conclusions of the European Councils of 15-16 June 2006 and of 14-15 December 2006,
 - bearing in mind the 1995 interim agreement between the Republic of Greece and the former Yugoslav Republic of Macedonia,
 - having regard to the conclusions of the Fourth Meeting of the EU-former Yugoslav Republic of Macedonia Stabilisation and Association Council of 24 July 2007,
 - having regard to the EU/Western Balkans Declaration approved in Salzburg on 11 March 2006,
 - having regard to the Commission's Communication of 5 March 2008 to the European Parliament and the Council entitled 'Western Balkans: Enhancing the European perspective' (COM(2008)0127),
 - having regard to Council Decision 2008/212/EC of 18 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with the former Yugoslav Republic of Macedonia ⁽¹⁾,
 - having regard to the Commission's 2007 Progress Report on the former Yugoslav Republic of Macedonia of 6 November 2007 (SEC(2007)1432),
 - having regard to Parliament's resolution of 13 December 2006 on the Commission's Communication on the Enlargement Strategy and Main Challenges 2006–2007 ⁽²⁾,
 - having regard to its resolution of 12 July 2007 on the 2006 Progress Report on the former Yugoslav Republic of Macedonia ⁽³⁾,
 - having regard to the recommendations of the EU-former Yugoslav Republic of Macedonia Joint Parliamentary Committee of 29-30 January 2007 and 26-27 November 2007,
 - having regard to its position of 24 October 2007 on the proposal for a Council decision on the conclusion of the Agreement between the European Community and the former Yugoslav Republic of Macedonia on the facilitation of issuance of short-stay visas ⁽⁴⁾,
 - having regard to its position of 24 October 2007 on the proposal for a Council decision on the conclusion of the Agreement between the European Community and the former Yugoslav Republic of Macedonia on readmission ⁽⁵⁾,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs (A6-0059/2008),
- A. whereas although the former Yugoslav Republic of Macedonia was granted the status of candidate for accession to the EU as long ago as 2005, as of today no date for the start of accession negotiations has yet been set; whereas this prolonged situation is adding frustration and uncertainty, having regard to the sustained pace of reforms undertaken lately by the Skopje authorities,
- B. bearing in mind that the EU-Western Balkans Declaration, which was unanimously approved by all the Foreign Ministers of the EU Member States and the Foreign Ministers of the Western Balkan States in Salzburg on 11 March 2006, reiterates the importance of good neighbourly relations and the need to find mutually acceptable solutions to outstanding issues with neighbouring countries,
- C. whereas a Member State, Greece, and the former Yugoslav Republic of Macedonia are in the midst of a negotiation process taking place under the aegis of the United Nations in order to reach a mutually acceptable solution to the name of the candidate state,

⁽¹⁾ OJ L 80, 19.3.2008, p. 32.

⁽²⁾ OJ C 317 E, 23.12.2006, p. 480.

⁽³⁾ Texts Adopted, P6_TA(2007)0352.

⁽⁴⁾ Texts Adopted, P6_TA(2007)0454.

⁽⁵⁾ Texts Adopted, P6_TA(2007)0453.

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1. Welcomes the renewed political consensus on the accession of the country to the European Union and the considerable progress achieved since the abovementioned last Progress Report, published by the Commission in November 2007;
2. Welcomes the adoption of the Law on the Public Prosecutors and the Law on the Council of Prosecutors as well as the Law on the Committee for Inter-Community Relations, listing the laws to be adopted by the double-majority rule (applying the Badinter principle), and the decision on the final appointment to the Judicial Council;
3. Welcomes the establishment of the National Council for European Integration, which aims to achieve cross-party support for EU-related reforms and which is led by the leader of the opposition, as an important driving force behind the EU accession process; notes that the National Council sets the institutional priorities of the country in the preparatory stage of the negotiation process, by precisely allocating the necessary institutional set-up, human resources and budgetary funding; encourages the government and the parliament to maintain the momentum of reform and to continue with sustained, regular and constructive dialogue among all stakeholders involved, in a spirit of cooperation and consensus on the key issues of the country's European agenda;
4. Welcomes the sustained efforts and the achievements of the government and parliament in the implementation of the Ohrid Framework Agreement and the increased recognition of the multi-ethnic character of the state; welcomes the commitment of the government and parliament to further promote inter-ethnic relations, which has resulted in the adoption of legislation such as the amendments adopted on 8 February 2007 to the Law on Public Holidays which lays down the various ethnic and religious holidays, and the increased budgetary allocations for promotion of the cultural values and traditions of non-majority communities; points out the need to improve the equitable representation of members of non-majority groups, notably in the public administration, the police and the military forces, and applauds the agreement reached on the choice of 45 draft laws which can be adopted by a Badinter majority only;
5. Points out that the renewed political momentum on the European integration of the former Yugoslav Republic of Macedonia results from a strong commitment expressed by all political forces; welcomes the regular and intensive dialogue pursued between the leaders of the four major political parties (VMRO-DPMNE, SDSM, DPA and DUI), which has resulted in the adoption of a number of laws, as well as measures relevant for further EU integration;
6. Further welcomes the fact that, in accordance with the Ohrid Framework Agreement, more representatives of ethnic minorities are being employed in the public service, and hopes that the Ohrid Framework Agreement will continue to be consistently implemented;
7. Commends the commitment of the leaders of the major political parties represented in the parliament to continue to work towards achieving progress on the remaining issues on which there are differences, such as the use of languages and the social package for the victims of the 2001 conflict;
8. Welcomes the fact that marked progress has been achieved in the fight against organised crime and corruption in 2007, as well as significant progress in the fight against trafficking in persons and narcotics; calls on the government to continue implementing anti-corruption legislation and the reform of the judiciary, leading to a strengthening of the independence and the overall capacity of the judicial system;
9. Commends the government on the progress that it has made in the economic area, while maintaining macroeconomic stability; welcomes the tax policy and the enhanced fiscal discipline that has resulted in increased state budget revenues; welcomes the improved business climate and the activities for reducing the legal and administrative barriers to business start-ups;

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10. Looks forward to the adoption of the new Banking Law in line with the EU *acquis*; notes the importance of adopting a new law on the National Bank in 2008, thereby strengthening that bank's independence, as well as the administrative capacities for supervision;

11. Is concerned by the level of unemployment, which remains high, and urges the government to address this issue; notes particularly the situation in the villages bordering Kosovo, where tackling unemployment is vital in order to give the local population opportunities to earn legal income;

12. Recalls the need for the continuous implementation of the Ohrid Framework Agreement as an instrument for promoting transnational confidence-building, which is the key to stability in the region;

13. Recalls that the 2005 Law on the Use of Community Flags allows minority communities which constitute a majority within a municipality to use their flags; carefully notes that the Constitutional Court judgment of 24 October 2007 confirmed the right of a community to fly its flag alongside the state flag and that it also extended the right to fly an ethnic flag to all ethnic communities in a municipality and affirmed the right of ethnic Albanians to use the Albanian state flag as their ethnic symbol; stresses that the Court also sought to clarify the limits to this right because it considered that the state and community flags have different meanings, and concluded that community flags may not be flown permanently, for example during official state visits, or on state buildings; calls on all parties to discuss this issue in the spirit of the Ohrid Framework Agreement and international standards;

14. Welcomes the action taken by the government to respond quickly to the recommendations of the European Commission's 2007 Progress Report and to adopt the revised National Plan for the Adoption of the *Acquis* in line with the priorities of the proposed 2008 Accession Partnership;

15. Commends the work that is being carried out in the public administration in preparation for the EU accession negotiation process; calls on the authorities to continue the reform of the public administration in order to ensure its de-politicisation, professionalism, expertise and efficiency, and to refrain from any action that may jeopardise the administrative capacity already built up;

16. Considers it a shared challenge for all political forces and ethnic communities within the former Yugoslav Republic of Macedonia to demonstrate that the country is now free of conflicts viewed negatively both domestically and abroad which go beyond normal political differences, including boycotting democratic government institutions, and thus to demonstrate that the country is ready for the process of integration into the European Union;

17. Supports the initiative of the Thessaloniki-based Center for Democracy and Reconciliation in Southeast Europe and the Soros Foundation to publish textbooks on Balkan history, in both the Albanian and the Macedonian languages, intended for history teachers and secondary school students and aimed at incorporating different views on the common past, providing a balanced perspective and promoting reconciliation;

18. Notes that the draft Law on Revision of the Electoral Code, which would provide for the parliament to be enlarged by 13 seats in the interests of both representation of small ethnic minorities and representation of nationals living abroad, was given a reading on 27 September 2007; expresses its concern at the fact that the proposed Law would have the effect of bypassing the use of the Badinter majority rule as intended by the Ohrid Framework Agreement; emphasises that respecting the principle '*pacta sunt servanda*' is crucial for the strengthening of mutual trust; considers it desirable, therefore, that a broad consensus, with the participation of the Albanian representatives, should be reached on any revision of the Electoral Code, and trusts that there will be further consultations in order to achieve this;

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19. Hopes that all provisions of the Electoral Law, including Article 27 on the appointment of the President of the Electoral Committee, will be fully respected; hopes that the ruling coalition will ensure fair and democratic early elections in compliance with the Constitution and the Electoral Law;

20. Draws attention to the continuing discrimination against the Roma community, particularly in the areas of education, social protection, health care, housing and employment; hopes that the National Strategy for Roma will be implemented in accordance with its stated objectives in the near future;

21. Welcomes the entry into force of the visa facilitation and readmission agreements with the former Yugoslav Republic of Macedonia; notes, however, that access to the EU countries still represents a big problem for citizens of the former Yugoslav Republic of Macedonia and, generally, for citizens of the countries of the Western Balkans; underlines that the country must have access rules equivalent to those applying in respect of Croatia; supports, therefore, the launch by the European Commission on 20 February 2008 of a dialogue on visa liberalisation with the objective of establishing a road map leading ultimately to a visa-free regime, and calls on the Commission and the governments of the Member States to make every effort to bring about the prompt completion and implementation of the road map for full visa liberalisation without delay;

22. In this regard, notes the introduction by the government of passports with biometric security features, the establishment of the National Visa Information System and the Visa Center, and the implementation of the Integrated Border Management System;

23. Welcomes the adoption of the new Law on the Legal Status of Churches, Religious Communities and Religious Groups, to be applied as of May 2008, which will make it possible to put an end, once and for all, to complaints by small faith communities, in particular communities which have arisen or developed over the last few decades as a result of foreign proselytisation or by seceding from existing churches, about their not being allowed to build, own or use premises serving as prayer rooms;

24. Welcomes the successful start of the second phase of the fiscal decentralisation in July 2007, when 42 out of 84 municipalities entered the process and a further nine municipalities joined;

25. Points out that additional measures have been taken to promote women's rights, and specifically equal opportunities; insists, however, that the protection of women against all forms of violence must be increased;

26. Points out that it is desirable, in accordance with the Broadcasting Law adopted in November 2005, to uphold the independence of public broadcasting from state bodies, give free rein to existing diversity of opinion and, in the process, prevent other media from being obstructed as a result of government meddling; urges the authorities to ensure public compliance with EU and Council of Europe standards on countering the resurgence of 'hate speech', particularly in the media, against neighbouring States;

27. Notes that one-sided support for certain media products, e.g. in the form of government campaigns and advertisements by state-sponsored firms, leads to a distortion of competition in the media landscape and is thus prejudicial to other media, including those critical of the government;

28. Welcomes the start of preparations for implementing the Police Law, full and effective application of which is a crucial challenge and constitutes a key priority for European association;

29. Notes that the efforts with regard to the protection of water quality should be intensified on the basis of the new Law on Waters; points in particular to the great need to protect water quality and control pollution in the River Vardar, which drains most of the country and continues as the Axios carrying hazardous waste to Greek territory, and the frontier lakes Ohrid, Prespa and Dojran, and emphasises the need to conclude, and to ensure effective implementation of, relevant bilateral agreements with the neighbouring countries of Albania and Greece;

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30. Acknowledges that adoption of the Law on Waste Management has led to some progress on handling asbestos, waste collection and polychlorinated biphenyl and raw materials waste;

31. Draws attention to the fact that the attitude towards the environment in general needs to be improved, and appeals to the authorities of the former Yugoslav Republic of Macedonia to continue efforts to bring its environmental legislation into line with accepted EU standards;

32. Notes that on 7 November 2007, a large police operation took place around the village of Brodec, north of Tetovo, with the aim of apprehending a number of alleged criminals, in which six members of the so-called 'Brodec gang' were killed and a further 13 individuals from the village detained by the Ministry of Interior; notes that light and heavy weaponry was found in Brodec that included heavy machine guns and anti-aircraft missiles; points out that, according to the EU Monitoring Mission and the OSCE, the operation was carried out in a professional and effective manner resulting in no police or civilian casualties; welcomes the fact that the government has publicly stated that it will rebuild the mosque and other damaged infrastructure; expresses its concern about some reports that detainees may have been subjected to maltreatment on being arrested; calls in this regard on the Ombudsman to fully investigate the events and stresses that any outstanding questions relating to the police operation in Brodec should be addressed in an open, transparent and legally consistent manner;

33. Salutes the progress made in the field of legislation concerning intellectual property rights, but emphasises that greater efforts are needed to ensure enforcement of the legislation adopted;

34. Welcomes the active participation of the former Yugoslav Republic of Macedonia in the South East Europe Cooperation Process and its contribution to the establishment of the Regional Cooperation Council; equally welcomes its constructive position on the status of Kosovo; however, expresses concern over the delay in the technical demarcation of the border with Kosovo and considers that the issue should proceed as envisaged in the proposal put forward by Mr Martti Ahtisaari, former UN Special Envoy for the Kosovo status process; welcomes the active cooperation with Kosovo in trade, customs and police cooperation matters and the fact that, at the same time, good-neighbourly relations are being maintained with Serbia; welcomes the signing of free trade agreements with those two neighbours, and recommends a similar policy in relations with Albania, Bulgaria and Greece, especially in the field of transport and communications;

35. Welcomes the contribution made by the former Yugoslav Republic of Macedonia to the EU Althea mission in Bosnia and Herzegovina, acknowledges its role with regard to regional stability, and expresses its deep condolences to the country and to the families of the 11 peacekeepers who tragically died in a crash sustained by a military helicopter belonging to the former Yugoslav Republic of Macedonia on 12 January 2008;

36. Regrets the signing and the ratification by the former Yugoslav Republic of Macedonia of the Bilateral Immunity Agreement with the US authorities, granting citizens of that country exemption from the jurisdiction of the International Criminal Court in The Hague; stresses that such an act runs counter to EU standards and policies, all aimed at supporting the International Criminal Court as well as the EU guiding principles concerning bilateral immunity agreements; calls on the government and parliament of the former Yugoslav Republic of Macedonia to bring its legislation into line with the principles and standards of the EU Member States;

37. Notes that further investment is needed in developing the country's infrastructure links with its neighbours, which would contribute to the economic development and stability of the region as a whole, and calls on the government rapidly to complete the missing rail link between Skopje and Sofia;

38. Takes note of the dissolution of parliament on 11 April 2008 and the calling of early elections in June 2008, and expresses the hope that the authorities will do their utmost to minimise any possible delay in the necessary preparations that should lead to the opening of accession talks before the end of 2008;

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39. Welcomes the increased bilateral cooperation, as well as people-to-people contacts between the former Yugoslav Republic of Macedonia and Greece; notes with satisfaction that, since the adoption of Parliament's abovementioned resolution of 12 July 2007, bilateral talks have been held in the region, under the auspices of the United Nations and assisted by Special Envoy Matthew Nimitz, with a view to finding a mutually acceptable solution to the difference that has arisen over the name of the country; notes the increased dynamics in the negotiations; calls on both sides to seize the opportunity to resume negotiations immediately in the light of the significant progress made recently and to reach a compromise solution, so that the issue does not continue to represent an obstacle to the former Yugoslav Republic of Macedonia's membership of international organisations, as provided for in the Interim Accord of 1995, which is still in force;

40. Recalling the Conclusions of General Affairs and External Relations Council of 10 December 2007, stresses the importance of regional cooperation, good neighbourly relations and the need to find mutually acceptable solutions to outstanding issues in the process of moving closer to the EU;

41. Supports the efforts of the government of the former Yugoslav Republic of Macedonia to establish joint committees on education and history with neighbouring EU Member States with a view to reviewing possible discrepancies and misinterpretations of history that may cause disagreements, and urges the authorities to promote the joint celebration of the former Yugoslav Republic of Macedonia's common cultural and historic heritage with its neighbours;

42. Notes that, although the country has achieved significant progress since 2005 when it was given candidate status, of the three candidate countries it is the only country with which no accession negotiations have taken place to date; considers it desirable that this exceptional situation should end; calls on the former Yugoslav Republic of Macedonia to ensure that the necessary reforms are undertaken; refers to the list of eight benchmarks that the Commission has drawn up, derived from the key priorities of the new Accession Partnership, and hopes that the attainment of these by the country will lead to opening of the accession negotiations before the end of 2008, which will further enhance the stability and strengthen the European prospects of the Western Balkans; asks the Council to evaluate at the next summit the progress made so far, and if possible to decide on a date for the start of the accession negotiations;

43. Welcomes the preparations by the government for the implementation of the Instrument for Pre-Accession (IPA) which have facilitated signature of the Financing Agreement for IPA 2007 and the Framework Agreement for 2007-2013; reiterates the importance of the IPA for preparation for future EU membership; calls on both the government and the Commission to speed up the preparatory work so as to allow for early implementation of a decentralised system for the management of the IPA in order to create greater efficiency and local ownership of the process;

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

China's policy and its effects on Africa

P6_TA(2008)0173

European Parliament resolution of 23 April 2008 on China's policy and its effects on Africa (2007/2255(INI))

(2009/C 259 E/08)

The European Parliament,

- having regard to the EU-China political dialogue, which was formally established in 1994 in recognition of China's status as a future world power and the particularly far-reaching international obligations inherent in that status,

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- having regard to the Commission Communication to the Council and the European Parliament entitled 'A Long Term Policy for China-Europe Relations' (COM(1995)0279) and to Parliament's resolution of 12 June 1997 on the Commission Communication on a long-term policy for China-Europe relations ⁽¹⁾,
- having regard to the United Nations (UN) Millennium Declaration of 8 September 2000,
- having regard to the Beijing Declaration of the Forum on China-Africa Cooperation (FOCAC) and to its Programme for China-Africa Cooperation in Economic and Social Development of October 2000,
- having regard to the Cairo Declaration (2000) of the Africa-Europe Summit under the aegis of the Organization of African Unity (OAU) and the EU,
- having regard to the 2001 Report of the Organisation for Economic Cooperation and Development (OECD) entitled 'The DAC Guidelines; Strategies for Sustainable Development; Guidance for Development Cooperation',
- having regard to the Constitutive Act of the African Union (AU), which was adopted on 11 July 2000 and entered into force on 26 May 2001, and the African leaders' October 2001 document entitled 'The New Partnership for Africa's Development' (NEPAD), which was declared a programme of the AU at the first AU Summit,
- having regard to China's policy papers on the EU (2003) ⁽²⁾ and on African Policy (2006) ⁽³⁾,
- having regard to the Commission policy paper entitled 'A maturing partnership-shared interests and challenges in EU-China relations', (COM(2003)0533) endorsed by the European Council on 13 October 2003,
- having regard to the EU-China Strategic Partnership launched in 2003,
- having regard to the Addis Ababa Action Plan of the FOCAC published in December 2003,
- having regard to the 2004-2007 Strategic Plan of the Commission of the AU adopted on 7 July 2004 at the third Summit of African Heads of State and Government in Addis Ababa, Ethiopia,
- having regard to the Paris Declaration on Aid Effectiveness endorsed on 2 March 2005, following the High-Level Forum on Aid Effectiveness, by many European and African countries as well as by China,
- having regard to the Gleneagles commitments adopted by the G8 at Gleneagles on 8 July 2005,
- having regard to the Conclusions of the European Council of 19 December 2005 on 'The EU and Africa: Towards a Strategic Partnership',
- having regard to the Conclusions adopted by the General Affairs and External Relations Council (GAERC), at its meeting of 3 October 2005, expressing EU support for an International Arms Trade Treaty within the framework of the UN, which would establish binding common standards for the global trade in conventional arms ⁽⁴⁾,
- having regard to the Communication from the Commission to the Council and the European Parliament entitled 'EU-China: Closer partners, growing responsibilities' (COM(2006)0631) and the accompanying Commission Working Document entitled 'Closer Partners, Growing Responsibilities: A policy paper on EU-China trade and investment: Competition and Partnership' (COM(2006)0632),

⁽¹⁾ OJ C 200, 30.6.1997, p. 158.

⁽²⁾ Beijing, October 2003, <http://www.china-un.ch/eng/xwdt/t88637.htm>

⁽³⁾ Beijing, 12 January 2006, http://www.gov.cn/misc/2006-01/12/content_156490.htm

⁽⁴⁾ Council of the European Union 2678th meeting, Luxembourg, 3 October 2005.

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- having regard to 9th EU-China Summit held in Finland in September 2006 and to the Joint Declaration issued at the conclusion thereof,
 - having regard to the Conclusions of the GAERC on China, adopted on 11 December 2006,
 - having regard to the UN Charter and the UN Security Council Resolution 1674(2006) on the Protection of Civilians in Armed Conflict,
 - having regard to the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects ⁽¹⁾,
 - having regard to the joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: 'The European Consensus' ⁽²⁾ (2006),
 - having regard to its resolution of 7 September 2006 on EU-China Relations ⁽³⁾,
 - having regard to the Africa-EU Strategic Partnership, and the Joint Africa-EU Strategy and Action Plan (2007) and to the Africa-EU Partnership on Trade and Regional Integration as well as on Science, Information Society and Space,
 - having regard to the launch of the EU-Africa Partnership on Infrastructure (2007), which reflects the need to invest in infrastructure connections (transport, energy, water and ICT) to facilitate sustainable development,
 - having regard to the statement of the EU-Africa Business Forum on the occasion of the Second EU-Africa Summit (2007),
 - having regard to the UN 2007 mid-term report on the Millennium Development Goals (MDGs), which states that Sub-Saharan Africa is not on track to achieve any of the MDGs and that the current pace of poverty alleviation efforts in Africa would have to double if the MDG of halving the population living in extreme poverty is to be reached by 2015,
 - having regard to the Commission Communication to the Council and the European Parliament entitled 'From Cairo to Lisbon — The EU-Africa Strategic Partnership' (COM(2007)0357) and to the Commission/Council Secretariat Joint Paper 'Beyond Lisbon, Making the EU-Africa Strategic Partnership work' (SEC(2007)0856),
 - having regard to the EU's China Country Strategy Paper (2007-2013) and Multiannual Indicative Programme 2007-2010 ⁽⁴⁾, which allocates EUR 128 million of development cooperation aid from the EU to China,
 - having regard to the Joint Statement of the 10th China-EU Summit adopted in Beijing on 28 November 2007,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Development (A6-0080/2008),
- A. whereas sustainable development in Africa can be significantly fostered or affected by the action of emerging powers, such as China,
- B. whereas African States are primarily responsible for the political, social, economic and environmental impact of the presence of foreign nationals, organisations and governments on their territories,

⁽¹⁾ UN Document A/Conf. 192/ 15, July 2001, <http://disarmament.un.org/cab/poa.html>

⁽²⁾ OJ C 46, 24.2.2006, p. 1.

⁽³⁾ OJ C 305 E, 14.12.2006, p. 219.

⁽⁴⁾ http://ec.europa.eu/external_relations/china/csp/index.htm

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- C. whereas both the EU and China are committed to contributing to peace, security and sustainable development in Africa,
- D. whereas the EU is Africa's biggest aid donor and commercial partner; whereas China has announced increasing economic cooperation and aid pledges and may become Africa's largest trading partner by 2010,
- E. whereas an African sustainable development strategy must ensure that the involvement of non-African players does not undermine development; whereas, for that reason, the creation of an AU Task Force on Africa's Strategic Partnerships with Emerging Powers is welcomed,
- F. whereas initiatives that foster dialogue with Africa are welcomed, such as China-Africa and EU-Africa summits, FOCAC, the EU-Africa Partnership, the EU-African Facilities for Peace, Energy and Water and the EU-Africa Partnership on Infrastructure, the dialogues conducted under the Cotonou Agreement ⁽¹⁾ and any other dialogues being held between the EU or China and African organisations,
- G. whereas in November 2006 the third FOCAC summit took place in Beijing and adopted a declaration proclaiming the establishment of 'a new type of strategic partnership' between China and Africa; whereas this cooperation both meets the challenge of economic globalisation and promotes common development, but a number of African States that have recognised Taiwan are excluded from it;
- H. whereas China has a special responsibility to contribute to global peace and security as a permanent member of the UN Security Council; whereas the EU welcomes China's commitments to various multilateral frameworks such as those under the aegis of the UN, International Labour Organization (ILO), International Monetary Fund, World Bank, World Trade Organization (WTO) and the Kyoto Protocol,

Sustainable development

- I. whereas the EU is committed to increasing its level of Official Development Assistance (ODA) to 0,7 % of GDP by 2015 (0,56 % by 2010), and to allocate at least 50 % of EU ODA to Africa; whereas EU ODA includes EUR 20 billion to Sub-Saharan Africa from the 10th European Development Fund (2008-2013); whereas the EU allocated EUR 350 million to the Africa Peace Facility and EUR 5,6 billion to the EU-Africa Partnership on Infrastructure for 2008-2013; whereas the EU is a major contributor to international peace-keeping missions in Africa, the Global Fund to fight AIDS, Tuberculosis and Malaria and other international initiatives with relevance for the development of the continent,
- J. whereas China's presence and interests in Africa are growing; whereas China became a net donor to Sub-Saharan Africa in 2005 and has since increased its aid pledges, promising to double its aid to Africa from its 2006 level by 2009; whereas China has pledged to set up a USD 5 billion China-Africa development fund to encourage Chinese companies to invest in Africa,
- K. whereas China's emergence as a further alternative aid donor is challenging the EU's conditional approach towards African governments with a view to securing political reforms,

⁽¹⁾ Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (OJ L 317, 15.12.2000, p. 3). Agreement as last amended by Decision No 1/2006 of the ACP-EC Council of Ministers (OJ L 247, 9.9.2006, p. 22).

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- L. whereas China has lifted 400 million of its own people out of extreme poverty over the past 25 years and, therefore, has significant experience that could be useful to African countries; whereas China nevertheless now faces greater social and economic inequalities and alarming environmental degradation, while political rights and basic freedoms continue to be severely restricted and China continues to show poor labour standards and poor governance accountability,
- M. whereas China's increased commitment to development cooperation with African countries is welcomed, in particular the provision of assistance for the building of hospitals, schools and better transport infrastructure,

Energy and natural resources

- N. whereas China's economic growth and legitimate interest in developing itself makes the increase in its needs for natural and energy resources and their procurement in developing countries, particularly in Africa, a reality,
- O. whereas resource-rich African States are securing an improved market position as a result of the demand from China and other interested parties,
- P. whereas it is desirable for China's engagement in Africa not only to include nations that are of interest from the point of view of energy policy, but also for consideration to be given to cooperation with all African states,
- Q. whereas China accounted for roughly 40 % of total growth in global demand for oil in the last four years; whereas 30 % of China's crude oil imports come from Africa; whereas China's dependence on imported oil, minerals and other raw materials seems likely to continue to grow, and by 2010 it is expected to import 45 % of its oil needs; whereas its rising demand for energy and its desire to broaden its energy imports have led it to seek oil suppliers in African States;
- R. whereas China's oil imports multiplied almost five-fold between 1995 and 2005, turning China into the second largest oil importer worldwide and equalling the EU in terms of supplies imported from Africa; whereas CNPC (a Chinese State-owned oil company) controls an estimated 60 % to 70 % of Sudanese oil production; whereas in 2006 Angola was China's largest oil supplier; whereas China already imports about 28 % of its oil and gas from Sub-Saharan Africa; whereas African oil exports to China are expected to grow in the coming years,
- S. whereas the exploitation of African natural resources by foreign countries or companies can bring development, but could also lead to resource depletion, undermine governance, lead to opportunities for corruption, especially where cultures of corruption are already widespread, aggravate social inequalities and macroeconomic stability difficulties and create or exacerbate conflict, posing a serious threat to poverty reduction and sustainable development,

Trade, investment and infrastructures

- T. whereas Africa accounts for almost 9 % of EU imports, half of them being energy-related products, 23 % manufactured products and 11 % food and agricultural products; whereas Africa absorbs 8,3 % of EU exports, 78 % of which are related to machinery, chemicals and manufactured goods; whereas South Africa is the EU's largest trading partner (import and export); whereas European trade with Africa continues to decline although the EU remains its most important trading partner;

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- U. whereas the EU is China's most important trading partner and the biggest investor in China, and whereas, moreover, China is the EU's second most important trading partner; whereas dialogue with China on democratic reforms, respect for human rights and the rule of law should not take second place to trade and economic relations,
- V. whereas China has seen explosive economic growth in the last few years, on average 9 % per annum, and has become a leading exporter; whereas China's re-emergence as a major world economy has fundamentally changed the status quo of trade flows and international markets; whereas, with a view to sustaining this expansion, China has become a net importer of oil as well as of many other raw materials and commodities, and its demand has created major price increases in all kinds of mineral and agricultural commodities;
- W. whereas China has the right to compete legitimately with the EU and its Member States on international markets,
- X. whereas China's rapid economic development over the past twenty years has had a significant impact on EU-China trade and economic relations in general: total two-way trade has increased more than sixty-fold since 1978 and was worth EUR 210 billion in 2005; the EU has gone from a trade surplus at the beginning of the 1980s to a deficit of EUR 106 billion in 2005, its largest trade deficit with any partner, and China is now the EU's second largest trading partner after the US; in 2000 the EU concluded a bilateral market access agreement with China, which was an essential milestone in China's WTO accession process, and its accession changed global trade patterns in many ways;
- Y. whereas some 3,6 % of Chinese imports come from Africa and Africa absorbs 2,8 % of Chinese exports; whereas the value of Chinese trade with Africa increased from USD 2 billion in 1999 to roughly USD 39,7 billion in 2005; whereas China is now Africa's third most important trading partner; whereas Africa is clearly becoming the economic frontier for China, which is very effective in coupling aid-for-oil strategies with foreign policy tools;
- Z. whereas trade between Africa and China is estimated to have grown from USD 4 billion in 1995 to USD 55 billion in 2006, and China aims to achieve an increase to USD 100 billion by 2010; whereas in May 2007, China's Exim Bank announced its intention to provide USD 20 billion for trade and infrastructure financing in Africa over the next three years; whereas China has pledged to provide USD 3 billion of preferential loans and USD 2 billion of preferential buyer's credits to Africa over the next three years; whereas China has promised to further open its markets to Africa by increasing from 190 to over 440 the number of items exported to China receiving zero-tariff treatment from the least developed countries in Africa that have diplomatic ties with China and establishing three to five trade and economic cooperation zones in Africa over the next three years,
- AA. whereas WTO membership brings with it a range of rights and obligations both for the EU and for China; whereas, however, China has still properly to fulfil many of those obligations,
- AB. whereas China's involvement in Africa should be seen not only against the background of securing supplies of energy and raw materials, but also in the context of food security, since China expects its imports of foodstuffs to rise in the future,
- AC. whereas Europe's future relations with Africa will be affected by the success or failure of the economic partnership agreements,
- AD. whereas instead of granting development aid, China grants loans, with the attendant danger of creating high degrees of indebtedness among African countries,
- AE. whereas as a result of China's activities, the key issue of infrastructure improvements and financing in Africa is once again taking on greater significance,

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- AF. whereas according to OECD figures, 50 % of public work projects in Africa are being carried out by Chinese contractors; whereas Chinese projects in Africa often employ mostly Chinese workers,
- AG. whereas China, by using its own workers in Africa, is securing long-term access to the African market for Chinese traders, and in this way influencing national economies in Africa,
- AH. whereas the Chinese must also have an interest in securing some degree of investment and legal certainty for the stakes which they have acquired in collapsing economies by encouraging good governance,
- AI. whereas State-owned Chinese companies can take great risks in investing in Africa; whereas the Chinese energy company CNOOC Ltd announced that it would buy a 45 % stake in an offshore oil field in Nigeria for USD 2 270 000 000,
- AJ. whereas in 2007 China established China Investment Cooperation Ltd, with assets of USD 200 000 000 000, which currently constitutes the 6th largest sovereign wealth fund worldwide;

The environment

- AK. whereas China is already, or is about to become, the largest emitter of carbon dioxide (CO₂) in the world and the Chinese people are the direct victims of such emissions; whereas the EU is also among the largest CO₂ emitters in the world and Europeans also face the impact of those emissions; whereas the G8+5 summit pledges made at Heiligendamm in 2007 include a benchmark of 50 % emission cuts by 2050, and whereas other targets have been set by the EU and China for reduced emissions and renewable energies; whereas Africa is the continent predicted to suffer the most from environmental degradation, deforestation and climate change,
- AL. whereas China is to be given credit for having acceded to the Kyoto Protocol and the Convention on International Trade in Endangered Species of Flora and Fauna (CITES); whereas China has valuable expertise in combating deforestation and desertification,
- AM. whereas more than half of all logging activities in particularly vulnerable regions, including Central Africa, are estimated to be illegal; whereas China is accused of bearing the main responsibility for recent increases in illegal logging worldwide; whereas, for instance, 90 % of timber exports from Equatorial Guinea to China are estimated to be illegal,

Governance and human rights

- AN. whereas China proclaims the 'Five Principles of Peaceful Coexistence' as the cornerstone of its 'independent foreign policy of peace', based on the concept of 'non-interference', which is not neutral, as perceived in African countries where criticism of China, or even anti-Chinese feelings, have been expressed; whereas Chinese oil and mining workers have been attacked, abducted or murdered in Zambia, Nigeria and Ethiopia; whereas China wants to be seen as a responsible global power and must be credited with having used its influence to encourage the Sudanese government to accept a UN-AU Hybrid Force in Darfur; whereas China, as a Permanent Member of the Security Council, can play a key role in conflict prevention, mediation and resolution,
- AO. whereas China, despite progress in relation to certain social and economic rights and freedoms, continues to show a lack of respect for basic human rights, including the right to life and to a fair trial, freedom of expression and association and other social, economic and cultural rights, including labour rights; whereas lack of respect for human rights is particularly marked in relation to the Tibetans; whereas that affects the image and action of China abroad, particularly in Africa, where development and good governance cannot progress without democratic accountability, respect for human rights and the rule of law,

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- AP. whereas China is to be credited with having met the minimum requirements of the Kimberley Process Certification Scheme for the International Trade in Rough Diamonds and with having produced guidelines on responsible behaviour for timber companies,
- AQ. whereas China should be credited with having ratified the UN Convention against Corruption, although corruption remains a serious problem in China, dramatically affecting the capacity to meet, at provincial and local levels, policy goals and standards set by central government; whereas these practices have an impact on African countries where China and Chinese companies invest, often fostering corruption and helping to enrich and keep corrupt regimes in power, thus undermining good governance, accountability and the rule of law; whereas strict respect for the UN Convention against Corruption is essential for the promotion of good governance, accountability and the rule of law,

Peace and security

- AR. whereas European, Chinese and other arms exporters are fuelling armed conflicts in Africa, thus gravely undermining development; whereas the Member States are not yet legally bound by the EU Code of Conduct on Arms Export, and exercise inadequate control over illicit arms exported to or transiting through Africa,
- AS. whereas China bears a particular responsibility as one of the world's major arms exporters and as a permanent member of the UN Security Council,
- AT. whereas a lack of transparency exists in relation to Chinese exports of conventional arms and small arms and light weapons; whereas Amnesty International has recently exposed China for having a 'dangerously permissive' approach to arms exports; whereas China is responsible for significant arms transfers to conflict-ridden countries, even in violation of UN embargoes in the cases of Darfur, Liberia, and the Democratic Republic of Congo,
- AU. whereas China is to be credited with being the second highest provider of UN peace-keepers among the Permanent Members of the Security Council and has already engaged over 3 000 troops in peace-keeping missions in Africa,
1. Stresses the need to strengthen the impact of EU policies in Africa, namely by ensuring delivery of promises and commitments; in this context, highlights the importance of the Treaty of Lisbon in enhancing effectiveness and coherence in the EU's external relations, duly encompassing development concerns and policies;
 2. Urges the EU to develop a coherent strategy to respond to the new challenges raised by emerging donors in Africa, such as China, including a coordinated approach from different Member States and EU institutions; stresses that such a response must not attempt to emulate China's methods and aims, since that would not necessarily be compatible with the EU's values, principles and long-term interests; notes that such a response should be integrated in the EU's dialogue with the AU and in relations with all African partners; stresses that the EU should enter into a development policy dialogue with China, in order to discuss methods and aims, but that it must remain committed to its own approach towards development cooperation;
 3. Urges the EU, also when in competition with other donor nations, to maintain its high standards regarding the fostering of good governance and respect for human rights; calls on the EU to position itself vis-à-vis its competitors by means of offers which are qualitatively more attractive, such as the establishment of modern, climate-friendly raw materials processing plants in the country of origin and the recruitment and training of local workers; notes that the preparation of such offers should also be integrated in the EU's dialogue with the AU and in relations with all African partners, namely in connection with the implementation of the Joint EU-Africa Strategy and its Action Plan;

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4. Welcomes China's willingness to provide practical cooperation to African countries without patronising them; notes that such cooperation is of a pragmatic nature; regrets in this regard China's cooperation with repressive regimes in Africa; points out that it would be desirable for political conditions to be attached to cooperation and that human rights and environmental standards should play a greater role;

5. Calls on the EU and China to discuss, develop and formulate, whenever possible, their African strategies with a view to a responsible commitment, aimed at fostering sustainable development and the pursuit of the MDGs; stresses the importance of formulating constructive dialogues within a multilateral framework with all relevant players in the continent, in particular the AU and NEPAD; in this context, calls on the EU to ensure that the African Partnership Forum engages all major donors and investors, namely China;

6. Urges the EU and China to increase support to NEPAD as the driving force for a sustainable development strategy for Africa and also to support African regional organisations, the AU, the Pan-African Parliament (PAP) and African national parliaments and governments in enhancing their leadership and ownership of such a strategy; calls on the EU to help strengthen African capacity to ensure donor and investor coherence and to guarantee that foreign investment contributes to fostering sustainable development;

7. Stresses its willingness to engage with the Chinese National People's Congress, the PAP and African national parliaments in a dialogue aimed at fostering sustainable development and enhancing scrutinising capabilities;

8. Calls on the EU to encourage China to assume its responsibilities as a permanent member of the UN Security Council, including the 'responsibility to protect', acknowledging that China's presence in Africa, by itself, regardless of any 'non-interference policy' intentions, does have a real impact in host countries, including a political impact;

9. Calls on the EU to take into account the views expressed by the African States as well as the AU in its consideration of the impact of China in Africa; stresses that the EU should avoid generalisations about China's role, should regard it with an open and constructive attitude, and should not try to impose European models and views;

Sustainable development

10. Calls on the EU to pursue a dialogue between Africa, the EU and China for their mutual benefit and on the basis of African needs and in the interests of African countries and people, and with a view to improving the effectiveness and coherence of development cooperation, exploring concrete avenues for cooperation and enhancing partnerships, avoiding separate pockets of action; proposes that the EU, the AU and China should set up a standing consultative body to improve the coherence and effectiveness of their respective activities in the area of development cooperation; calls on the EU, China and Africa to establish a global framework for concrete operational projects on common challenges such as adaptation to climate change, renewable energies, agriculture, water and health;

11. Calls on the EU and the Member States to strengthen relations with African countries by delivering on aid commitments and making the pursuit of the MDGs a priority; welcomes the 6 % increase in EC aid and 2,9 % in aid provided by 15 Member States in 2006 when compared with the previous year but regrets that ODA from the 15 Member States to all regions is falling as a share of gross national income (GNI) from 0,44 % ODA/GNI in 2005 to 0,43 % ODA/GNI in 2006; also regrets that four Member States have failed to meet the individual target of 0,33 % of GNI in 2006 and more could equally have failed to do so if debt relief and other items that do not correspond to available funds for developing countries were to be deducted from ODA figures;

12. Recalls that the ultimate goal of any development policies, be they implemented by the EU or by China, should be poverty reduction and eradication;

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13. Calls on the EU to strengthen untied aid commitments and to encourage China to provide untied aid to African partners, ensuring that economic conditions attached to international grants or loans will not undermine sustainable development; in this context, urges the EU to engage China in the expansion of the local African labour market, instead of bringing in thousands of Chinese labourers;

14. Calls on the EU to encourage China to make use of its health expertise to support initiatives aimed at improving public health systems in Africa, to ensure sustainable development and to support initiatives aimed at combating the poverty-related pandemics that ravage Africa, namely HIV/AIDS, malaria and tuberculosis;

15. Calls on the EU to engage in constructive dialogue, within the framework of the Development Assistance Committee (DAC) of the OECD, with non-DAC emerging donors, including China, aimed at encouraging them to adopt DAC guidelines and standards or equivalent codes and to respect the principles of the Paris Declaration on Aid Effectiveness;

16. Urges the EU to encourage China to create a specialised aid institution aimed at enhancing Chinese aid expertise and independence and to commit itself to transparent reporting on aid budgeting; calls on the EU to assist China in developing that expertise if requested;

17. Encourages EU and African countries to invite Chinese representatives to participate in bilateral and multilateral donor coordination meetings;

18. Calls on the EU to encourage China to participate in meeting the challenges linked to the demographic situation in Africa; in this context, highlights the fact that the population growth rate is higher than the economic growth rate in many parts of Africa and that measures to change this include improving sexual and reproductive health, as mentioned in the UN report of the International Conference on Population and Development of 1994;

19. Stresses that any international partnership for development must be people-focused, since sustainable development is only possible with the empowerment of civil society; stresses that women and minority or vulnerable groups should be particularly supported and valued as essential agents for development, and that freedom of association and free and plural media are essential conditions for development and need to be supported by such partnerships;

20. Calls on the EU and the Member States to reach broader sections of the public in Africa and the EU through the presence of, visits by and involvement in dialogue-related events on the part of high-level representatives of European governments;

Energy and natural resources

21. Takes the view that, given China's engagement in Africa, cooperation with Africa in the field of the EU's external energy policy should be given greater significance; would like to see active cooperation on energy policy between Africa and the EU;

22. Recognises the importance of the transparent management of natural resources in mobilising revenues that are key to development and poverty reduction, ensuring stability of supply and preventing resource-related conflict and instability in resource-rich countries; calls on the EU to encourage African resource-rich countries to adhere to the Extractives Industry Transparency Initiative (EITI) by providing enhanced political, financial and technical support to the EITI with a view, inter alia, to enabling civil society to participate freely and effectively in the EITI; urges the EU to actively engage with the government of China and Chinese companies in order to encourage them to support the EITI; calls on the EU to advocate the expansion of the scope of the EITI to other natural resources, such as timber, and also to encompass government revenues linked to resource-backed loans;

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23. Considers it of the utmost importance that the EU call on all political powers and international investors operating in Africa to strictly respect the social and environmental safeguard rules established in 2002 by the World Bank for the extractive industries;

24. Calls on the EU actively to promote transparency, not just in terms of revenue collection, but also in terms of expenditure of natural resource revenues, by supporting initiatives to enhance budgetary transparency in African countries; urges the EU to promote 'responsible lending' by all donors, requiring recipient resource-rich countries with a history of bad governance and corruption to take concrete steps towards greater transparency in revenue management as a condition for receiving non-humanitarian assistance; calls on the EU to apply Articles 96 and 97 of the Cotonou Agreement more consistently to resource-rich countries and, at the same time, to enter into a dialogue with China and other donors with a view to taking concerted action to increase the effectiveness of corresponding measures; stresses that the EU should lead by example by making its own development programmes and projects a model of transparency and good governance;

25. Urges the EU to advocate tougher international controls of illegal timber and the ivory trade; calls on the EU to advocate the principles outlined in the EU Forest Law Enforcement, Governance and Trade Action Plan (FLEGT), as well as encourage China to adopt similar principles in its own imports of timber from Africa, in order to halt trade in illegal timber and promote the sustainable management of forests; calls on the Commission to come forward with early proposals to outlaw all illegally-sourced timber and timber product imports into the EU in order to discourage China from illegally sourcing African timber for its furniture exports; encourages the Commission to expand the scope of its negotiations on voluntary partnership agreements with third countries; calls on the EU to support the strengthening of similar initiatives, such as the African and Asian FLEGTs;

26. Calls on the EU to advocate the conclusion of international conventions on energy resources extraction or exploration to include transparency of licensing arrangements and contractual terms that determine fiscal flows to governments and a clause on the investment of a percentage of profit in local community development;

27. Calls on the EU and China to address the problem of the illicit trade in natural resources through concerted action, which should include an agreed definition of what constitutes 'conflict resources' and the appointment of an international group of experts to develop multilateral approaches to tackle the issue;

28. Calls on the EU and China to invest more in renewable energies as a way of tackling environmental degradation and climate change, as well as a way to prevent conflicts related to the scarcity of resources such as oil;

Trade, investment and infrastructures

29. Points out that diversification of trade in general is a key factor in bringing about reliable economic growth in all African States; underlines the fact that Chinese exports of products towards Africa should not hinder the development of African industries or destroy the competitiveness of those industries;

30. Calls on the EU and appeals to China to offer Africa a way out of the 'commodity trap' and to encourage its transformation from a region which supplies commodities into one which processes commodities and develops services; in this context, urges the EU to encourage all players involved, namely the Member States and emerging donors such as China, to diversify trade and investment, transfer technology to Africans, strengthen international fair trade rules, expand global market access for African products, lower tariffs on processed goods from Africa, promote the development of the private sector and its access to finance, promote trade facilitation, encourage regional integration in Africa and facilitate remittance flows from African residents;

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31. Calls on the EU to expand its economic impact on the development of Africa by reforming its own Common Agricultural Policy and facilitating the access of African products to the EU market; calls on the EU and appeals to China, when reforming their own agricultural policies, to take greater account of development opportunities for the African farming sector, to facilitate the import of agricultural products from Africa and, in connection with agricultural exports, to make doubly sure that they do not jeopardise the development of agricultural production in Africa so as to provide guarantees of food security and jobs;

32. Calls on the EU and appeals to China to be stronger advocates of fair world trade in an effort to ensure that trade and development policies are coherent with one another, to increase substantially the share of the profits of the global trade in goods received by producers and workers, to offer African products greater access to world markets and to reduce import tariffs on manufactured products from Africa; appeals to the government of China and to the EU to develop an export strategy which does not pose an obstacle to the ecologically and socially sustainable manufacture of goods in Africa;

33. Appeals to China, when granting loans, to take account of the events which led to the emergence of the debt crisis affecting many developing countries, and not to repeat the mistakes previously made by lenders;

34. Welcomes the step taken by China toward improving social legislation and workers' rights from 1 January 2008, as a result of pressure from the WTO and international public opinion, and stresses that more binding social laws in China should have a positive impact on the Chinese way of operating in Africa;

35. Stresses the importance for Africa of developing its own strategy towards China; notes that such a strategy is of great importance in enhancing the reciprocal nature of trade relations between China and Africa; stresses that this strategy must focus on greater participation by African workers in Chinese projects in Africa, greater willingness on the part of China to transfer technology and better access to Chinese markets for typical African exports such as coffee, cocoa and leather goods;

36. Recommends that the Commission insist, within the framework of the ongoing negotiations with China, on a new trade chapter in the Partnership and Cooperation Agreement, on binding language with respect to ILO core labour standards, corporate social and environmental responsibility, provisions against social and environmental dumping, ILO recommendations for decent work and the upholding of requirements deriving from international human rights covenants;

37. Emphasises the importance of employing local workers on fair financial terms when implementing investments in infrastructure and new plant; urges a stronger commitment to the training of workers through the award of grants and circular migration; calls for measures to involve the members of the African Diaspora, some of whom are highly qualified, in this process and to facilitate transfers of money to Africa by Africans living abroad;

38. Understands the profoundly positive role which information and communication technology (ICT) plays in general in supporting growth, competitiveness and job creation; recommends that the Commission align existing African and European programmes with a stronger focus on building ICT capacity for SMEs through public-private partnerships so as to ensure that institutions and policies are built to facilitate investment, innovation and technology transfer;

39. Calls on the EU and China to support the AU and NEPAD in conducting environmental impact assessments and evaluating the potential pro-poor growth of foreign investment projects in Africa, especially in the field of energy and infrastructure, as well as developing a more transparent system for the award of contracts and public spending; highlights the importance of long-term planning in the public spending by African countries of profits obtained through the recent commodity price rise, energy exploration gains and foreign investment flows and, with that aim in view, urges the EU and China to give targeted support to the development of corresponding administrative skills;

40. Calls on the EU to engage in joint projects with China in Africa in the fields of energy exploration, transportation and infrastructures, with the aim of developing, together with the AU and NEPAD, a common set of rules of engagement and investment;

41. Calls for the EU and China to invest in training and education in Africa, as skilled workers form the pillars of more independent development;

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42. Calls on the EU to go beyond the current EU-Africa business forum and develop a coherent action plan to stimulate and diversify European investments in Africa;

43. Recognises that European economic investment is at a competitive disadvantage in Africa due to the open or hidden subsidising of Chinese projects and offers made by the Chinese government (or wholly State-owned companies), to higher costs caused by social and economic standards which Chinese competitors do not meet, to tied Chinese aid which prevents European companies from joining projects financed by Chinese aid and to limited access to financing and investment risk coverage instruments for European companies;

The environment

44. Notes the ecological impact of China's presence in Africa; urges China to act as a responsible steward of the environment, both in China and in Africa;

45. Calls on the EU to encourage Chinese export-credit agencies, including the Exim Bank, to conduct systematic environmental assessments of infrastructure projects in Africa, such as dams, roads and mines;

46. Welcomes the Commission's initiative to launch a Global Climate Change Alliance with the least developed countries and small island developing States, specifically enhancing cooperation on climate change adaptation; calls on the EU to invite China to participate in key areas of the Alliance's work plan, such as dialogue on disaster-risk reduction and climate-proofing development, which are crucial areas of cooperation given China's position as a major donor and investor in Africa, often investing in large-scale infrastructure projects that tend to be particularly vulnerable to climate change;

47. Calls for increased funding for climate change adaptation, according to a system where the obligation to contribute depends both on past emissions and economic capacity and where funds are not diverted from existing aid budgets; in this context, urges the EU to advocate enhanced coordinated and complementary international action as regards the provision of financial resources and investment to support mitigation and adaptation actions in Africa, namely in the form of improved access to adequate, predictable and sustainable financial resources, financial and technical support for capacity-building in the assessment of the costs of adaptation to aid in determining its financial needs, and the provision of new and additional resources, including official and concessional funding; urges that any financial provision be accessible with minimal red tape involved; insists that effective monitoring of the results be put in place;

48. Calls on the EU to engage in multilateral discussions with AU Member States and China, as well as with civil society, on the global threats of environmental degradation and climate change and to push forward the commitments of the Bali Action Plan, signed at the 13th meeting of the Conference of the Parties (COP-13) in Bali on 15 December 2007, as a post-2012 framework;

49. Calls on the EU to take the lead in climate change mitigation by launching a 'crash programme' providing large-scale financial support, additional to existing aid budget lines, for the development and deployment of green energy technologies in both emerging economies and developing countries, recognises however their different needs; specifically calls on the EU to provide funding to enable the transfer of cheap, green technologies to African countries; recognizing that increased funding for technology transfer is a key step to reach agreement on a post-2012 global climate change framework by 2009;

50. Urges the EU and China to ensure, along the lines of the Bali Action Plan, that its projects in Africa, in particular energy exploration, are environmentally sustainable and compatible with the Bali Action Plan;

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51. Recognises the share of responsibility of Western trade and consumption in creating increasing Chinese demand for natural resources in Africa, as well as for increased CO₂ emissions in developing countries as a result of the 'outsourcing' of polluting industries; calls on the EU to raise the issue of trade and climate justice as part of the agenda of trilateral cooperation with China and Africa; also calls on the EU to strengthen measures to promote socially and environmentally responsible consumption (including product labelling demonstrating the environmental impact during the entire life cycle of a product, from extraction of natural resources to production and transportation);

52. Urges the EU to advocate greater international cooperation, in particular with China, to support the urgent implementation of adaptation actions, namely through vulnerability assessments, prioritization of actions, financial needs assessments, capacity-building and response strategies, integration of adaptation actions into sectoral and national planning, specific projects and programmes, means to provide incentives for the implementation of adaptation actions, and other ways to enable climate-resilient development, taking into account the urgent and immediate needs of developing countries vulnerable to the adverse effects of climate change, such as those in Africa, which are particularly affected by drought, desertification and floods;

53. Calls on the EU to strengthen dialogue with Africa and China and to develop common approaches to deal with global environmental problems such as deforestation, desertification and fragmentation, decline or loss of biodiversity and soil fertility, as well as water and air pollution; calls on the EU to promote energy efficiency, green technologies, risk management and early warning capacities, as well as responsible industrialisation and consumption;

Good governance and human rights

54. Urges the Chinese authorities to respect the principles of democracy, good governance and human rights in their relations with Africa;

55. Calls on the EU to act consistently with its own values, principles and commitments under the Cotonou agreement in its relations with those African governments that obstruct democracy and violate human rights by denying them control of aid, budget support or investments; urges the EU to ensure that, in such cases, humanitarian and other assistance is provided through local civil society organisations and helps reinforce the capacity of such organisations; calls on the EU to urge other major donors, such as China, bound by the UN international human rights conventions, covenants and instruments, to act similarly;

56. Stresses that, notwithstanding the importance of principles such as sovereignty, ownership and alignment, China's 'no-conditions' investments in those African countries misgoverned by oppressive regimes contribute to perpetuating human rights abuses and further delay democratic progress and hinder recognition of good governance, including the rule of law and the control of corruption; in this context, highlights the importance of greater EU support to governments, institutions and civil society players that promote good governance, the rule of law and respect for human rights in Africa, namely national parliaments, pluralist party systems, development and human rights organisations, free media and anti-corruption bodies;

57. Calls on the EU to ask all aid donor and recipient countries to respect the guidelines and transparency standards set by the international financial institutions; urges the EU to persuade Chinese authorities to encourage national banks to adopt the 'Equator Principles' on social and environmental standards;

58. Urges the EU to encourage China to voluntarily adopt the provisions of the OECD's Anti-Bribery Convention and to ensure its implementation, not just within China, but also in its relations with African countries;

59. Calls on the EU to encourage all the Member States and China to participate in current global initiatives to facilitate asset recovery under section V of the UN Convention on Corruption, including the joint Stolen Asset Recovery Initiative (StAR) recently launched by the World Bank and the United Nations Office on Drugs and Crime (UNODC);

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60. Calls on the EU to encourage China to ratify the ILO Conventions which it has not yet adopted and ensure their implementation in developing countries wherever Chinese investments, companies, experts or workers are involved, namely in Africa;

61. Calls on the EU to encourage the development of international and legally binding codes of conduct on good governance, safe and equitable working conditions, corporate social responsibility and environmental protection practices, as well as to support corporate accountability;

Peace and security

62. Calls on the EU to make its Code of Conduct on Arms Exports a legally binding instrument;

63. Calls on the EU to encourage China to increase the transparency of its national arms export control regime, namely by ensuring complete reporting on exports to the UN Register on Conventional Arms Exports and upgrading its arms export control rules in order to block arms transfers to countries and regions, particularly in Africa, where international human rights and humanitarian law are systematically violated;

64. Calls on the EU to maintain its arms embargo on China, as long as China continues to export arms to armed forces and armed groups in countries, many of them in Africa, that fuel and perpetuate conflicts and perpetrate gross violations of human rights;

65. Calls on the EU and China to suspend arms trade deals with those governments that are responsible for human rights violations, are involved in conflicts or are on the brink of war, such as the governments of Kenya, Zimbabwe, Sudan, Chad, the Democratic Republic of the Congo, Ethiopia, Eritrea and Somalia; calls on the EU and China to stop, prevent and prohibit arms transfers to armed non-State actors that threaten human rights, political stability and sustainable development on the African continent;

66. Calls on the EU to continue advocating an international legally binding arms trade treaty on all conventional weapons, negotiated at UN level;

67. Calls on the EU and China to support African-led initiatives, such as a stand-by force and the use of regional organisations as security pillars;

68. Calls on the EU to encourage China to continue increasing its participation in UN and AU peace-keeping missions in Africa, and to expand that contribution by also supplying combat troops, when necessary and in accordance with UN mandates;

69. Calls on the EU to engage China in the development of common approaches to human security, namely in the fields of conventional disarmament, disarmament, demobilization and reintegration (DDR), traceability of arms, mine clearance and security sector reform (SSR); urges engagement in non-traditional security issues, such as prevention of natural disasters, climate or economic refugees, displaced persons and migrants, drugs and communicable diseases;

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70. Instructs its President to forward this resolution to the Council, the Commission and the the governments and parliaments of the Member States, the government of the People's Republic of China and the Chinese National People's Congress, the African Union, NEPAD, PAP and FOCAC.

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Commission Annual Policy Strategy 2009

P6_TA(2008)0174

European Parliament resolution of 24 April 2008 on the Commission's Annual Policy Strategy for 2009

(2009/C 259 E/09)

The European Parliament,

- having regard to the Commission Communication on the Annual Policy Strategy for 2009 (COM(2008)0072),
- having regard to the Commission Communication on its Legislative and Work Programme 2008 (COM(2007)0640),
- having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas Parliament's Structured Dialogue with the Commission is an important inter-institutional step both for implementing the Legislative and Work Programme for 2008 and in drawing up and for formulating a Legislative and Work Programme for 2009,
- B. whereas, therefore, it is crucial that the Structured Dialogue should be carried out in good time so that efforts can focus on defining the European Union's key strategic objectives for 2009,

Growth and jobs

1. Underlines, once again, the importance of the rigorous implementation of the Lisbon Strategy, emphasising the interdependence of economic, social and environmental progress in creating a dynamic and innovative sustainable economy;
2. Welcomes the overdue support for small and medium-sized enterprises (SMEs), building on the forthcoming European Small Business Act; considers that Act to be a very important strategy for supporting SMEs; notes, further, that legislation and a financial framework are required to support SMEs in the most appropriate way; warns, however, against the misuse of those instruments for the purpose of closing off national markets and so reducing European competitiveness and consumer choice; urges the Commission, once again, to put forward a legislative proposal on the European Private Company Statute;
3. Welcomes a more systematic and integrated monitoring of key goods and services markets with a view to identify existing problems; notes that this might include competition sector enquiries and should not be to the detriment of either SMEs or the variety of products and services in the internal market; notes the Commission's intention to bring sectoral legislation in the area of the internal market for goods into line with the New Legislative Framework but calls again on the Commission to monitor the implementation and enforcement by Member States of sectoral legislation, and draws attention to the need for an overall review together with a review of the Directive 2001/95/EC ⁽¹⁾ on general product safety; calls for continued attention to be paid to the transposition of key internal market directives, particularly Directive 2006/123/EC ⁽²⁾ on services in the internal market, and for further development of internal market tools;
4. Welcomes the follow-up to the single market review in 2007 with its initiative on shared partnerships between the Commission and Member States with a view to applying and enforcing internal market law; notes the proposals for amendments to several 'new approach' directives with a view to modernising the internal market in goods; invites the Commission to continue to take further action to improve cooperation with the Member States in that field; regrets, however, the lack of concrete harmonisation of legislative proposals in the internal market domain; highlights the importance of mutual recognition combined with targeted harmonisation in the internal market domain with a view to completing the internal market in goods and services;

⁽¹⁾ OJ L 11, 15.1.2002, p. 4.

⁽²⁾ OJ L 376, 27.12.2006, p. 36.

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5. Considers that achieving the ambitious aims of the Lisbon Strategy requires a new approach to developing and promoting research; asks for a first evaluation of the implementation of the Seventh Research Framework Program (FP7) before the mid-term review, as well as the evaluation of the activity of the European Research Council so far;
6. Points to the overriding importance of safeguarding the stability of financial markets and reassuring consumers in the light of the current financial crisis; notes that the current crisis shows the need for the European Union to develop oversight measures in order to increase investor transparency, establish better valuation standards, improve prudential supervision, and state the role of rating agencies; asks the Commission to work in full partnership with Parliament when developing the roadmap agreed by the Ecofin Council in December 2007 in order to improve the Lamfalussy process, financial services legislation, and the transposition and implementation process; considers that the announced targeted review of Directive 2006/48/EC ⁽¹⁾ relating to the taking up and pursuit of the business of credit institutions and Directive 2006/49/EC ⁽²⁾ on the capital adequacy of investment firms and credit institutions should improve the prudential framework and risk management of financial institutions, thus increasing confidence between market players; reaffirms the crucial importance of having better, single, representation of the EU in international financial institutions and regrets the absence of a proposal to that effect;
7. Welcomes, also, the Commission's determination to make progress with work on retail financial services, as integration in this field is still minimal and competition needs to be improved in some areas in order to bring about concrete benefits for consumers; calls on the Commission to follow rigorously the implementation of Directive 2008/48/EC on credit agreements for consumers;
8. Notes the Commission's efforts to meet the targets for the employment rate set in the Lisbon Strategy; encourages the Commission to continue developing a common approach to flexicurity, which should promote, on the one hand, greater flexibility on the labour market and, on the other, security for workers, accompanied by a balanced implementation of the four pillars of flexicurity, which may be necessary to achieve more favourable economic effects;
9. Points out that Parliament will be examining the consequences of the recent judgment of the Court of Justice of the European Communities in cases C-438/05 ⁽³⁾, C-341/05 ⁽⁴⁾, and C-346/06 ⁽⁵⁾, starting with a debate in plenary, followed by Parliament's report on challenges to collective bargaining;
10. Regrets the low priority given by the Commission to culture and education in its Annual Policy Strategy for 2009; asks the Commission to consolidate the European Educational Area for all, notably by improving the quality, effectiveness and accessibility of EU education and training systems; stresses that particular attention should be paid to lifelong learning by the development of student mobility, language competences and adult learning; stresses the importance of cultural diversity, in particular in the field of digital content;
11. Welcomes the Commission's announcement of a future communication on university-business dialogue in order to help ensure that European universities are in a position to compete with the best universities in the world; supports the Commission's initiative of a Green Paper on cultural and creative industries and stresses the need further to develop EU action in that sector, which significantly contributes to job creation and growth; points out that EU action should also aim at strengthening cultural identity and diversity;
12. Stresses that passenger rights should be assigned a more central place, especially as regards the protection of passengers when travelling long distances by bus and coach, as well as rail and ship passengers; stresses the importance of the successful development of traffic management systems and urges the Commission to continue working towards the development of Single European Sky Air Traffic Management Research Programme (SESAR) and the European Rail Traffic Management System (ERTMS);

⁽¹⁾ OJ L 177, 30.6.2006, p. 1. Directive as last amended by Directive 2008/24/EC (OJ L 81, 20.3.2008, p. 38).

⁽²⁾ OJ L 177, 30.6.2006, p. 201. Directive as last amended by Directive 2008/23/EC (OJ L 76, 19.3.2008, p. 54).

⁽³⁾ 'Viking' (International Transport Workers' Federation and Finnish Seamen's Union), Judgment of 11 December 2007.

⁽⁴⁾ Laval, judgment of 18 December 2007.

⁽⁵⁾ Rüffert judgment of 3 April 2008.

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Climate change and sustainable Europe

13. Strongly supports the Commission in further developing an energy policy for Europe, with the aim of achieving energy independence and strengthening the solidarity among Member States; undertakes to cooperate closely with the Council and the Commission to find an effective and workable agreement on the energy and climate change package in the shortest practicable time; invites the Commission to provide, as soon as possible, the best and most objective analysis of the possible economic and social implications of rising energy prices, in order to guide the legislative decision-making process in Parliament and the Council in the best possible way; notes also that the European Union needs to continue to demonstrate that economic growth and development can be reconciled in a low-carbon economy; recalls, moreover, the need to ensure that environment and climate change objectives are included in all EU policies and financial programmes;

14. Is aware that the success of this strategy also depends on the capacity of the European Union to convince its world partners, and in particular the main players, to converge on such a strategy; underlines, therefore, that the EU should speak with one voice and display solidarity in this field; takes note of the recent paper from the High Representative and the Commission to the European Council entitled 'Climate Change and International Security' ⁽¹⁾ and emphasises the need for a joined-up approach to issues relating to energy, climate change and foreign affairs; deplores the lack of an annual and long-term strategy for an external European energy policy;

15. Welcomes the Commission's wish to reduce emissions related to the transport of goods and calls on the Commission to submit a legislative proposal on the inclusion of maritime and inland waterway transport in the emissions trading scheme; welcomes also in this context the development of a new maritime policy and the intention of submitting a proposal on the reform of the common organisation of the market (COM) in fishery and aquaculture products, but urges the Commission to clarify how it intends to redeploy EUR 6 million within the fisheries policy; calls on the Commission to add to the key actions envisaged for 2009 under 'sustainable Europe' a new chapter on the reform of the COM in fishery and aquaculture products;

16. Takes the view that cohesion policy should remain a Community policy in accordance with the Treaty and the solidarity principle, and therefore rejects all attempts to renationalise this policy; considers that the necessary financial resources for cohesion policy must be guaranteed in the future in order to deal with the anticipated new challenges, which have a major territorial impact; notes that, in addition to economic and social cohesion, challenges resulting from demographic changes, urban concentration, segregation, migratory movements, necessary adjustment to globalisation, climate change, the necessity to guarantee energy supplies, and the slow catch-up process of rural areas must be addressed;

17. Notes that 2009 will see the implementation of the legislative changes agreed upon in the context of the CAP Health Check and expects Parliament's position to be fully respected; welcomes the Commission's indication that in 2009 a number of proposals will be made to reduce bureaucracy and red tape, and trusts that this will also apply to farmers, notably with regard to cross-compliance; welcomes the Commission's intention to promote quality production in agriculture and expects to play an active role in the formulation of concrete proposals; regrets the fact that the Annual Policy Strategy for 2009 fails to take account of growing concerns over food security;

Making the common immigration policy a reality

18. Welcomes the Commission's commitment to the development of a common immigration policy, and emphasises that a European pact on migration policy should cover issues linked both to tackling illegal immigration and managing legal immigration, and a more ambitious policy on integration of areas falling within the EU's competence, as well as launching a European asylum policy on the basis of proposals to be presented by the Commission before the end of the year; considers it a priority that Regulation (EC) No 343/2003 ⁽²⁾ establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (Dublin II Regulation) should be revisited;

⁽¹⁾ S133/08.

⁽²⁾ OJ L 50, 25.2.2003, p. 1.

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19. Stresses that border protection is also a priority, and will, in this context, scrutinise the recent proposals for an EU passenger name record, a European Boarder Surveillance System and entry/exit and Frontex evaluation, while insisting on respect for strong data protection rules;

20. Underlines that it is of the utmost importance to speed up the full implementation of the Schengen Information System (SIS II) and the Visa Information System (VIS); also underlines the need to strengthen Frontex, which is dependent on a commitment by Member States to provide personnel and equipment;

Putting the citizen first

21. Reiterates its request for a review of the eight sector-specific directives that were to be analysed within the framework of the review of consumer protection rules and the work on the horizontal instruments establishing the internal market principles to complete the internal market; stresses the continuing need for concrete legislation in the domain of CE marking and safety marks; encourages the Commission to develop the guaranteeing and enforcement of consumer product safety rules;

22. Calls for more initiatives in the field of civil justice in order to deliver the balancing legal framework that would give certainty and access to justice; calls for further progress on the Common Frame of Reference as one of the most significant pre-legislative undertakings, and underlines the necessity for close cooperation between Parliament, the Council and the Commission on this project;

23. Believes that it does not make sense to outlaw discrimination in one area whilst allowing it in another; awaits the Commission's proposal for a comprehensive directive to combat discrimination under Article 13 of the EC Treaty, as provided in its 2008 work programme, whilst underlining that the Member States' competences in this area must be respected;

24. Awaits the Commission's proposal on cross-border health, whilst underlining that the Member States' competences in this area must be respected; looks forward to the pact on mental health and also reiterates its commitment to improving health care in Europe, including support for an EU strategy dealing with the fight against cancer, cardiovascular diseases and other common serious diseases, as well as rare diseases;

25. Deplores the fact that the policy strategy remains vague in the area of public health; encourages the Commission to step up its efforts to tackle health inequalities linked to social, economic and environmental factors, to promote healthy lifestyles and improve health information, as well as strengthen its coordination and rapid response capacities towards global health threats; as regards Regulation (EC) No 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) ⁽¹⁾, reminds the Commission that proper implementation of the legislation is a critical success factor; asks the Commission to carry out appropriate preparatory actions for its future tasks under REACH;

26. Calls for more work to be undertaken as regards tackling organised crime, addressing cyber-crime in particular, and urges the Commission to step up the momentum in addressing the scourge of trafficking in human beings; calls for counter-terrorism policies to be defined comprehensively, and urges the Commission to submit a proposal that safeguards and promotes the interests of the victims of terrorism, and to develop proposals to ensure a greater degree of bio-preparedness;

27. Calls on the Commission to consider what transitional arrangements should be put in place for the adoption of legislation relating to justice and home affairs pending the entry into force of the Lisbon Treaty; underlines that in 2009 the Lisbon Treaty will institute a new role for Parliament in connection with Area of Freedom, Security and Justice policies and the conclusion of international agreements relating to those policies; stresses that this implies a revision of some legislation relating to the existing pillar structure, as well as a review of the status of Europol and Eurojust;

⁽¹⁾ OJ L 396, 30.12.2006, p. 1.

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28. Welcomes the Commission's proposal regarding the rights of children and their protection; notes that the Commission's strategy regarding gender mainstreaming policy is very general; expects the Commission, therefore, to set out, as a matter of urgency, the details of the initiatives to be launched in 2009; calls on the Commission to ensure that Daphne III comes into force in due time;

Europe as a world partner

29. Welcomes the importance given in the Annual Policy Strategy to the preparation of the entry into force of the Lisbon Treaty; notes that preparations will have to be undertaken both internally and in the Commission's relations with Parliament and the Council; underlines the importance of adequate preparations for the entry into force of the Lisbon Treaty, in particular as regards the establishment of a European External Action Service in cooperation with Parliament;

30. Stresses the importance of defending and promoting human rights and the respect for the rule of law worldwide, in particular in those numerous countries where human rights are not respected;

31. Underlines the importance of concluding the accession negotiations with Croatia as soon as possible, also as a signal to the wider Western Balkans region that its future lies within the European Union, provided that it can meet the necessary requirements;

32. Urges the Commission to contribute fully to the revision of the European Security Strategy;

33. Calls on the Commission to monitor closely the full implementation of the conditions laid down in the Kosovo comprehensive settlement plan and to insist on the foundations for a multiethnic Kosovo; urges the Commission to put in place, together with the Council, the necessary coordination arrangements so that the various EU actors present in Kosovo speak with one voice; calls on the Commission, through the medium of the Stabilisation and Association Process, to support and maintain the course of the Western Balkan States towards EU membership;

34. Underlines the need for an EU strategy concerning the Baltic Sea region in order to increase cooperation and the integration of the countries in that area and calls on the Commission to present a plan for implementation of the Black Sea Synergy;

35. Calls for additional measures to strengthen the European Neighbourhood Policy and to make it more relevant to the countries concerned; points out that the European Union must maintain its commitment to democratic values and the rule of law in relation to those countries; calls on the Commission to support the incorporation of a parliamentary dimension into the neighbourhood-east policy through the establishment of an EU-neighbourhood-east parliamentary Assembly, bringing together MEPs and MPs from the neighbourhood-east countries;

36. Deplores the absence of specific proposals by the Commission on new avenues for the implementation of the Millennium Development Goals with a view to achieving the commitments by 2015; urges the Commission to ensure that humanitarian aid provided by the European Union, in particular its food aid in developing countries, is maintained and, if possible, extended in 2009; believes that a successful Doha Development Agenda remains the European Union's trade priority, but regrets that the policy strategy has not yet started a reflection on the WTO's post-Doha Development Agenda; believes that an ambitious sustainable development chapter should form an essential part of any free trade agreement, including the ratification and implementation of core ILO conventions, as well as essential environmental norms;

Implementation, management and better regulation

37. Affirms that, in relation to Better Regulation, independent impact assessment and the correct implementation, monitoring and reporting of Community law should be a priority; considers, however, that the Commission has a central task in helping Member States to achieve this objective; stresses that the European Parliament should get more closely involved in the monitoring of the application of Community legislation, and underlines the need for closer inter-institutional cooperation with regard to comitology procedures;

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38. Supports Commission proposals aimed at reducing administrative burdens, recalls its determination to reach, and support for reaching, the goal of a 25 % reduction in administrative burdens by 2012, and urges tangible results sooner rather than later; regards this as a key priority, in particular for SMEs, and as an essential contribution to reaching the Lisbon Strategy targets; recalls that all legislation must pursue that goal; points out, however, that simplifying, codifying and recasting the existing *acquis* should not take place to the detriment of policy objectives;

39. Emphasises that political priorities should be supported by new budgetary priorities in order for the European Union to play a concrete role;

40. Expects the Commission to work on the quality of the national declarations (26 Member States delivered a summary of EU expenditure, as provided for by point 44 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ and Article 53b of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾) in order to make them usable by the European Court of Auditors; expects a very early report on the quality of these summaries and proposals on how to improve their quality; underlines, also, the importance implementing the decisions on the 2006 discharge of the general budget, in particular the Structural Funds Action Plan and the follow-up of use of EU funds in external actions;

Communicating Europe

41. Calls on the Commission to place the citizen at the centre of the European project; urges the Commission to focus its efforts further more the development of an effective communication policy in order to provide citizens with the means to understand the EU better, especially in the year of the European elections; underlines the importance of swiftly implementing the citizens' right of initiative as provided for in the Lisbon Treaty; reminds the Commission of its commitment, in the light of the proposed regulation amending Regulation (EC) No 1049/2001 ⁽³⁾ regarding public access to European Parliament, Council and Commission documents, to develop greater transparency and access to documents;

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

⁽¹⁾ OJ C 139, 14.6.2006, p. 1. Agreement as amended by Decision 2008/29/EC of the European Parliament and of the Council (OJ L 6, 10.1.2008, p. 7).

⁽²⁾ OJ L 248, 16.9.2002, p. 1. Regulation as last amended by Regulation (EC) No 1525/2007 (OJ L 343, 27.12.2007, p. 9).

⁽³⁾ OJ L 145, 31.5.2001, p. 43.

New Flame shipwreck

P6_TA(2008)0176

European Parliament resolution of 24 April 2008 on the *New Flame* shipwreck and its consequences in Algeciras Bay

(2009/C 259 E/10)

The European Parliament,

— having regard to Articles 71, 80 and 251 of the EU Treaty,

— having regard to its previous readings on the maritime packages and its resolutions on maritime safety,

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- having regard to its resolution of 12 July 2007 on a future maritime policy for the European Union: a European vision for the oceans and seas ⁽¹⁾,
- having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas one of the priorities of EU legislation is the maintenance of a safe and pollution-free environment for the oceans and seas, especially as regards the Mediterranean,
- B. whereas on 12 August 2007 a collision occurred near the coast of Gibraltar between a double-hulled oil tanker and the bulk carrier *New Flame* resulted in the sinking of the latter,
- C. whereas accidents of this kind do not have the same environmental impact as those between tankers, but still give rise to social concern,
- D. whereas, as regards the *New Flame*, the Spanish and the UK authorities as well as the Government of Gibraltar have given the European Maritime Safety Agency (EMSA) information about the accident,
- E. whereas Spain has had the anti-pollution vessel *Don India* positioned in the bay since 13 August 2007,
- F. whereas bunkering in coastal waters does not in itself constitute a breach of EU environmental law and could only give rise to pollution if it were handled in an unprofessional manner disregarding the protection of the environment or in bad sea conditions,
- G. whereas bunkering activities are regulated by the respective national laws applicable in the area,
- H. whereas the eventual splitting-up of the vessel could not only pollute the seabed and the sea but also damage nearby fishing grounds and tourism on the coasts,
- I. whereas at present the *New Flame*, lying on the seabed and containing 42 000 tonnes of load and at least 27 000 tonnes of scrap metal, could affect water quality, adding to the concentration in the area, unknown to the public, of heavy metals of an uncertain nature, and whereas it is therefore difficult to determine the full environmental impact,
- J. whereas no casualties have occurred and no major pollution has been detected following the collision between the two ships; whereas, however, environmental threats could still remain,
- K. whereas in the vicinity of the Straits of Gibraltar there are areas protected by the Natura 2000 network, such as the site of Community importance ES 6120012, known as the Frente Litoral del Estrecho de Gibraltar, which is seriously affected every day by the bunkering undertaken therein,
- L. whereas Parliament long ago adopted its amendments at first reading on the third maritime package, containing seven legislative proposals,

1. Calls on the Commission to forward to Parliament all the information on the case of the *New Flame* provided by the competent national and regional authorities, especially that referring to the request for additional resources, such as anti-pollution vessels to be provided by the Community aid mechanism in the field of civil protection assistance interventions, including accidental marine pollution, established by Council Decision 2007/779/EC, Euratom of 8 November 2007 establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions ⁽²⁾, which aims to place at the disposal of the Member States, when requested by the country affected by the wreck, anti-contamination ships operating under the aegis of the EMSA;

2. Welcomes the participation of the Andalusian regional and local authorities on this subject, in accordance with Parliament's recommendations on the EU maritime policy for the participation of local and regional authorities;

⁽¹⁾ Texts Adopted, P6_TA(2007)0343.

⁽²⁾ OJ L 314, 1.12.2007, p. 9.

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3. Takes note that the Government of Gibraltar, the UK and the Spanish authorities expressed their willingness to collaborate within the Forum of Dialogue on Gibraltar in the most effective way in order to manage the accident and its consequences for the maritime and coastal environment;
 4. Underlines the swiftness and efficiency of the EMSA in reacting to the request for assistance made by the Spanish authorities immediately after the accident; stresses that Parliament has constantly advocated increased operational and financial resources for the EMSA, and that more vessels will be available for assistance in the various maritime regions of the EU; calls on the Commission and the EMSA to give their full support to environmental protection in this threatened area, in line with the environmental objectives laid down in the relevant EU legislation and international instruments;
 5. Calls on the Commission, in its role as 'guardian of the Treaties', to verify whether the competent authorities complied correctly with their obligations under Articles 2, 3, 6, 10, 80(2), 174(1), 174(2) and 175(4) of the EU Treaty so as to avoid the catastrophe, and, if appropriate, to adopt the necessary legal measures that would stem from such an action;
 6. Encourages all efforts and measures that could be taken by the UK and Spanish authorities, the Government of Gibraltar, the port authorities of Algeciras and Gibraltar and all relevant actors in order to manage in the most responsible way all the activities carried out in the Bay;
 7. Stresses, following pollution the origin of which still needs to be clarified, that all relevant authorities managing the Bay and its coast and the operations to salvage the *New Flame* must remain extremely vigilant concerning potential opportunist and illegal emptying of fuel tanks and ballast waters;
 8. Underlines that the third maritime package, still at the first reading stage in the Council, on which Parliament adopted its position more than a year ago and in respect of which it is willing to move forward and conclude the seven legislative procedures, provides the EU with all necessary tools for the prevention of maritime incidents and the management of the consequences of such incidents, including in particular provisions for the monitoring of maritime traffic and the investigation of accidents; insists on the need to ensure efficient cooperation between neighbouring ports;
 9. Asks the Commission to call on the competent authorities to provide information concerning the content of the cargo and to indicate what the plans and time-schedules are for removal of the vessel from the Bay and for monitoring the risk of pollution which could stem from the cargo, and to forward such information to Parliament;
 10. Urges the Commission to call on those Member States which have not yet done so to ratify the 2001 International Convention on Civil Liability for Bunker Oil Pollution Damage and to ensure enforcement of the EU legislation on this subject;
 11. Reiterates its call on the Commission to submit a proposal to Parliament and to the Council as soon as possible in order to ensure that bunker oil for engine fuel in new ships is stored in safer, double-hull tanks;
 12. Reiterates its request for an EU directive on improving the quality of maritime fuels; welcomes the recent agreement within the International Maritime Organization on the introduction of a proposal for legislation in this regard by 1 January 2010;
 13. Encourages the Commission to propose improvements to the legislation on the protection of environmentally sensitive cross-border marine areas, including stronger (satellite) surveillance and monitoring of ships;
 14. Suggests to the Commission that it intervene with the competent national and regional authorities with a view to reaching an agreement on a public performance protocol in the area of the Straits of Gibraltar and particularly in the Bay of Algeciras, similar to the existing bilateral and regional agreements concluded between coastal states, which would provide mutual assistance in the event of a maritime pollution incident;
 15. Instructs its President to forward this resolution to the Council, the Commission, the European Maritime Safety Agency, the governments and parliaments of the Member States and the regional authorities concerned.
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Fifth Latin America and Caribbean-European Union Summit

P6_TA(2008)0177

European Parliament resolution of 24 April 2008 on the Fifth Latin America and Caribbean-European Union Summit in Lima

(2009/C 259 E/11)

The European Parliament,

- having regard to the declarations of the four Summits of Heads of State and Government of Latin America and the Caribbean and the European Union, held to date in Rio de Janeiro (28 and 29 June 1999), Madrid (17 and 18 May 2002), Guadalajara (28 and 29 May 2004) and Vienna (12 and 13 May 2006),
 - having regard to the joint communiqué of the 13th Ministerial Meeting of the Rio Group and the EU, held in Santo Domingo (Dominican Republic) on 20 April 2007,
 - having regard to the joint communiqué of the Ministerial Meeting of the San José Dialogue between the EU troika and the ministers of the countries of Central America, held in Santo Domingo (Dominican Republic) on 19 April 2007,
 - having regard to the Final Act of the 17th EU-Latin America Interparliamentary Conference, held in Lima from 14 to 16 June 2005,
 - having regard to its resolutions of 15 November 2001, on a global partnership and a common strategy for relations between the European Union and Latin America ⁽¹⁾, and of 27 April 2006, on a stronger partnership between the European Union and Latin America ⁽²⁾,
 - having regard to its resolution of 29 November 2007 on trade and climate change ⁽³⁾,
 - having regard to its resolution of 11 October 2007 on the murder of women (feminicide) in Mexico and Central America and the role of the European Union in fighting this phenomenon ⁽⁴⁾,
 - having regard to the Euro-Latin American Parliamentary Assembly's resolutions of 20 December 2007,
 - having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas it is more important than ever to continue to deepen the Bi-regional Strategic Partnership announced at the four earlier summits of the Heads of State and Government of Latin America and the Caribbean (LAC) and the EU,
- B. whereas, although major steps forward have been taken, much remains to be done in connection with both the political and security aspects and the social, commercial and budgetary dimensions of the strategic partnership,
- C. whereas the strategic partnership must foster closer relations between the societies concerned, improve their levels of social development and make a decisive contribution to drastically reducing poverty and social inequality in LAC, something which should be facilitated by the economic growth shown by the region over recent years, as well as by the exchanges and aid of all kinds and the transfer of expertise in social cohesion which the EU can offer,

⁽¹⁾ OJ C 140 E, 13.6.2002, p. 569.

⁽²⁾ OJ C 296 E, 6.12.2006, p. 123.

⁽³⁾ Texts Adopted, P6_TA(2007)0576.

⁽⁴⁾ Texts Adopted, P6_TA(2007)0431.

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1. Reiterates its commitment to supporting the work of the various EU and LAC regional integration bodies and to doing everything within its power to ensure that the Lima summit, which will take place on 16 and 17 May 2008, marks a genuine step forward for the strategic partnership; applauds the resolute efforts made towards this end by the Peruvian and Slovene Co-Presidency of the summit, the Slovene Presidency of the European Union, the Commission and the Council of the European Union;

Principles and priorities of the Bi-regional Strategic Partnership

2. Reaffirms its commitment to the bi-regional approach and to prioritising the Bi-regional Strategic Partnership as the best means of safeguarding the principles, values and interests shared by the partners on both sides of the Atlantic;

3. Reiterates the continued validity of the Political Declaration on the values and positions shared by both regions (the Madrid Commitment), of 17 May 2002 that was issued at the Madrid summit (2002) and the joint commitment to multilateralism, regional integration and social cohesion reaffirmed at the Guadalajara (2004) and Vienna (2006) summits;

4. Proposes an overall strategic vision for the strategic partnership which would not be confined to isolated proposals or actions and would have the ultimate goal of establishing a Euro-Latin American global inter-regional partnership area around the year 2012, to include a fully-fledged strategic partnership in the political, economic, social and cultural fields and the joint pursuit of sustainable development;

5. Recommends that the political and security strands of the strategic partnership be based on regular, sectoral and effective political dialogue and on a Euro-Latin American Charter for Peace and Security which, along similar lines to the Charter of the United Nations (UN), would enable political, strategic and security proposals to be drafted jointly;

6. Stresses that the following are required for trade and economic relations between the partners to be beneficial to both sides:

- they must contribute to the diversification and modernisation of the manufacturing base in Latin American countries — which are still highly dependent on a few export products, many of them primary or semi-processed — using technological alternatives which are efficient and have a positive impact in terms of job creation and higher household incomes;
- they must mark a shift in focus from purely trade-related to economic concerns, given the economic asymmetry between the two regions and the need for emphasis to be placed on social and environmental issues, including plans for green and renewable technology transfer and capacity-building through bi-regional mixed investment and joint production systems;
- emphasis must be placed on the need to safeguard the principle of legal certainty and to create a favourable environment for investment;
- they must take due account of the differences in terms of relative development levels, and the EU should therefore introduce special differentiated treatment (SDT) arrangements, particularly for the countries with the lowest level of economic and social development;
- they must provide incentives for Latin American integration;

7. Endorses the proposed agenda for the Lima summit and its focus on two main subject areas, the first being poverty, inequality and exclusion and the second, sustainable development and the related issues of environment, climate change and energy;

8. Points out that the swift setting up, following the Vienna summit, of the Euro-Latin American Parliamentary Assembly (EuroLat) as the strategic partnership's parliamentary institution has considerably enhanced the partnership's democratic legitimacy and consolidated its institutional system, which now embraces the discussion, scrutiny and monitoring of strategic partnership-related matters coming within the assembly's remit;

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9. Recommends that the Lima summit reiterate the EU's and the LAC's attachment to the principles and values of pluralist representative democracy, freedom of expression and of the press, human rights and the rejection of all forms of dictatorship and authoritarianism;

Joint action in pursuit of effective multilateralism

10. Draws attention to the benefits that the joint commitment to multilateralism can bring the Euro-Latin American partners, which together have an overall population of more than one billion, make up one third of the UN member states and account for more than a quarter of world trade;

11. Proposes that the strategic partnership be based on realistic aims and common programmes shaped by the shared advocacy of multilateralism (the Kyoto Protocol, the International Criminal Court, the fight against the death penalty and against terrorism, the central role of the UN system, etc.);

12. Recommends that joint action be taken in all areas and forums in which there is a clear convergence of principles, values and interests, including collective peace and security under the auspices of the UN, the protection of human rights, environmental protection policies, development, the involvement of civil society in the global governance process and reform of the international financial and trade system and its institutions (World Bank Group, International Monetary Fund, World Trade Organization (WTO));

13. Stresses that a multilateral approach is the best means of tackling the shared challenges facing the Euro-Latin American partners, such as terrorism, drug trafficking, organised crime, corruption and money-laundering, trafficking in human beings (including the criminal organisations that exploit and benefit from illegal immigration), climate change and energy security;

14. Reiterates its belief that action to combat terrorism must be carried out with full respect for human rights, civil liberties and the rule of law; demands the immediate and unconditional release of all hostages in Colombia, with priority being given to those who are sick; considers that their release should be effected by unilateral decision of the FARC or any other organisation by which they are being held or, failing that, under an emergency humanitarian exchange agreement;

15. Draws attention to the repeated resolutions of the UN, the LAC-EU Summit and this Parliament rejecting all coercive measures such as those set out in extraterritorial laws which, owing to their unilateral and extra-territorial nature, are in breach of international law, distort competition between the Euro-Latin American partners and undermine their joint commitment to multilateralism;

A strong boost for regional integration and the partnership agreements

16. Considers the conclusion and effective implementation of comprehensive, ambitious and balanced EU-Latin America partnership agreements fostering respect for the human, economic and social rights of the population and mutual sustainable development as well as a reduction in social inequalities, as a complement to WTO multilateralism, to be a strategic objective in an international context marked by ever-greater interdependence and by economic growth and the emergence of new economic powers and a growing number of challenges at world level but also by the emergence of serious and far-reaching economic crises which regional integration would help to alleviate and solve in a significant way;

17. Proposes, accordingly, that in the economic and commercial field the creation of the Euro-Latin American global interregional partnership area should be based on a model which is compatible with both the WTO and regional integration, to be applied in two stages:

(a) a first stage involving the conclusion, at the earliest opportunity, of the negotiations on the EU-Mercosur, EU-Andean Community and EU-Central America Interregional Partnership Agreement and the deepening of the existing EU-Mexico and EU-Chile association agreements;

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- (b) a second stage, to be completed in 2012, involving the conclusion of a Global Interregional Partnership Agreement ensuring legal and institutional support and full geographical coverage for the various strands of the strategic partnership and providing for the free movement of persons and bi-regional trade through a deepening of both the existing regional integration agreements within LAC and the EU's partnership process with all countries and regional groupings;

18. Proposes that the Lima summit commission a study on the feasibility and environmental and social sustainability of the global interregional partnership agreement, with a view to the creation of the proposed Euro-Latin American Interregional Global Partnership Area;

The Lima Agenda for the eradication of poverty, inequality and exclusion

19. Calls on the Lima summit for this agenda to include the adoption of a limited number of clear, firm and verifiable undertakings in all these areas that are liable in themselves to lend fresh impetus to the strategic partnership and substantially to improve the living standards of its citizens on both sides of the Atlantic; recommends that specific attention be paid to reducing social inequalities and to integrating groups that are in a marginal social position and lacking in opportunities, and first and foremost indigenous communities;

20. Urges the LAC-EU Summit participants systematically to include the UN Declaration on the Rights of Indigenous Peoples, approved by the UN General Assembly on 13 September 2007, in the bi-regional agreements;

21. Considers it fundamental for the two regions to include the objective of social cohesion in a permanent, cohesive and practical manner in all their joint initiatives and programmes; maintains that the Euro-Latin American partners are engaged in a common project in which a market economy and social cohesion should not be opposing forces but should complement each other;

22. Recommends that the Lima Agenda for the eradication of poverty, inequality and exclusion include specific measures such as:

- joint actions towards the common objective of achieving the Millennium Development Goals by 2015, including the gender dimension in order to empower women and defend their rights,
- use of the EU Financial Instrument for Development Cooperation ⁽¹⁾ in a manner tailored to the real needs on the ground, with this mainly concerning those emerging and middle-income countries for which cooperation in the areas of technology, higher education and innovation, and economic cooperation, is of particular importance;
- the gradual use of resources under the EU Financial Instrument for the Promotion of Democracy and Human Rights worldwide ⁽²⁾ for assistance and programmes aimed at improving governance, democratic institutional structures and the human rights situation in LAC;
- opening up the EU's programmes in the areas of training, education, scientific and technical cooperation, culture, health and migration to the Latin American countries;
- support for institutional and fiscal reform programmes;
- creation of a Bi-regional Solidarity Fund;

⁽¹⁾ Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006, establishing a financing instrument for development cooperation (OJ L 378, 27.12.2006, p. 41).

⁽²⁾ Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 establishing a financing instrument for the promotion of democracy and human rights worldwide (OJ L 386, 29.12.2006, p. 1).

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- an increase in the budgetary resources allocated, so that these match the major ambitions that have been stated;

23. Calls on the partners to adopt sound and workable policies in the areas of democratic governance, social affairs, public finance and taxation, with the objective of enhancing social cohesion and reducing poverty, inequality and marginalisation;

24. Considers education and investment in human capital to be the basis of social cohesion, economic and social development and social mobility; reiterates its strong support for the creation of a 'common EU-LAC-EU higher education area'; emphasises that, both in LAC and in the EU, the state must guarantee access to education, as well as to other public goods (health, water, security);

25. Considers it essential to give fresh impetus to the EU's development cooperation policy towards LAC which, in maintaining the combating of poverty and social inequalities as a key element, should follow a targeted approach that takes into account the differing economic and social circumstances and levels of development of the countries of LAC;

26. Believes it essential, for the same reason, to move beyond a purely aid-oriented approach to development cooperation with LAC, by centring attention on cooperation in the areas of technology, higher education and innovation and on harnessing the resources generated in this area under the Seventh Framework Programme for research, technological development and demonstration activities ⁽¹⁾;

Developing means of cooperation in the field of migration policies

27. Suggests that the Summit launch a regular bi-regional dialogue on migration which ensures that the rights of migrant workers are respected whatever their circumstances, and which develops and deepens cooperation with the Latin American countries of origin and transit in the field of the free movement of persons, using the same global and balanced approach already being applied to African and Mediterranean countries and the Union's eastern and south-eastern neighbours;

28. Requests that priority be given, within that dialogue, and especially as concerns the countries of origin and/or of transit of illegal immigrants, to issues relating to illegal immigration and opportunities for legal migration;

29. Proposes that, between now and 2012, common rules and regulations of a general scope be considered to facilitate the movement not only of goods, services and capital but also of people, thus gradually creating a partnership that is of the most wide-ranging nature possible, to the benefit of both sides and of the global approach advocated by the UN on migration issues;

30. Reiterates the need to reduce the current excessive costs incurred by migrant workers in transferring remittances, and to support the return of those who wish to do so through programmes that safeguard all their rights and their human dignity and worth;

31. Calls on the Commission to bring forward a communication extending to the countries of Latin America and the Caribbean the priorities, instruments and forecasts of the Global Approach to Migration laid down by the Conclusions of the Presidency of the European Council of 15 and 16 December 2005 and further developed in the Conclusions of the Presidency of the European Council of 14 and 15 December 2006;

⁽¹⁾ OJ L 412, 30.12.2006, p. 1.

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The Lima Agenda in relation to sustainable development, and in particular the environment, climate change and energy

32. Recommends that the political agenda between the EU and the countries of LAC give priority to cooperation on climate change and policies for preventing global warming; points out that the very poor, and especially indigenous populations, are the first to suffer from climate change and a deteriorating environment;
33. Points out that the partnership between the European Union and LAC in this sense is of crucial importance given both parties' interest in promoting sustainable development and environmental balance, and therefore advocates mutual support for their respective environmental initiatives at international level;
34. Calls on the Latin American partners, in cases in which opinions differ on the details of measures to combat climate change (e.g. as regards air traffic), to adopt a constructive approach and under no circumstances to completely block initiatives;
35. Recommends that the EU-Latin American partners work towards the accession to the Kyoto Protocol of the heavily emitting countries that are not yet parties thereto, and that they strengthen and coordinate positions in negotiations on international instruments concerning global warming, while also strongly promoting emissions trading between the two regions;
36. Considers it essential to combine economic development with sustainable development; in this respect supports the least-favoured countries in their two-fold effort to reduce polluting emissions and to further their progress and social well-being;
37. Advocates the creation of joint mechanisms and cooperation within LAC international organisations (such as the Amazon Cooperation Treaty Organisation) for decision-making and financing purposes in respect of the protection and sustainable development of major world wilderness areas, such as the Amazon region, that are located in Latin American countries;
38. Calls on the Commission to help encourage the development of environmental policies in LAC countries; considers that cooperation and the level of best practices should be strengthened, with this also being reflected in EU funding and in development aid policy;
39. Calls on the Lima summit to develop joint initiatives in areas such as climate change, desertification, energy (particularly renewables and agrofuels), water, biodiversity, forestry and the management of chemical products on the basis of the Roadmap adopted at the thirteenth UN Climate Change Conference in Bali on 15 December 2007;
40. Calls on the Lima Summit to address, study and put forward possible solutions to the world food crisis;

Strengthening institutional promotion and forecast mechanisms

41. Also recommends:
 - (a) establishing a Euro-Latin American Foundation, of a public-private nature, for the promotion of dialogue between the partners on similar lines to those already existing for other geographical areas such as Asia or the Mediterranean; calls on the Commission to draw up a detailed proposal in this respect;
 - (b) establishing a Bi-regional Centre for Conflict Prevention, dedicated to the early detection of the causes of potential violent and armed conflicts and to seeking how best to prevent them and stop them from escalating;
 - (c) repeats its suggestion to create a Migration Observatory responsible for permanently and closely monitoring all issues in connection with migratory flows in Latin America;

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42. Considers it essential to strengthen the parliamentary dimension of the strategic partnership and supports the Latin American request in which the number of Euro-Latin American Parliamentary Assembly members required in order to facilitate the inclusion of the recently constituted Mercosur Parliament is put at 150;

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43. Instructs its President to forward this resolution to the Presidency of the Fifth LAC-EU Summit, the Council of the European Union, the European Commission, the Governments and Parliaments of all the EU Member States and all the countries of Latin America and the Caribbean, the Euro-Latin American Parliamentary Assembly, the Latin American Parliament, the Central American Parliament, the Andean Parliament and the Mercosur Parliament.

Situation in Burma

P6_TA(2008)0178

European Parliament resolution of 24 April 2008 on the situation in Burma

(2009/C 259 E/12)

The European Parliament,

- having regard to its resolution of 14 December 2006 on the situation in Burma ⁽¹⁾ and its resolution of 21 June 2007 on Burma ⁽²⁾,
 - having regard to the Council conclusions of 19 November 2007 adopting strengthened and additional restrictive measures against Burma ⁽³⁾,
 - having regard to Council Regulation (EC) No 194/2008 of 25 February 2008 renewing and strengthening the restrictive measures in respect of Burma/Myanmar and repealing Regulation (EC) No 817/2006 ⁽⁴⁾,
 - having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas the Burmese State Peace and Development Council (SPDC), led by General Than Shwe, has announced that a referendum will be held on 10 May 2008 on a new constitution, with multi-party elections following in 2010,
- B. whereas the SPDC continues to subject the people of Burma to appalling human rights abuses, such as forced labour, persecution of dissidents, conscription of child soldiers and forced relocation,
- C. whereas the Burmese Government has rejected proposals made by the UN Special Envoy, Ibrahim Gambari, to ensure the free and fair conduct of the referendum, in the presence of international observers,

⁽¹⁾ OJ C 317 E, 23.12.2006, p. 902.

⁽²⁾ Texts Adopted, P6_TA(2007)0290.

⁽³⁾ See Council Common Position 2007/750/CFSP of 19 November 2007 amending Common Position 2006/318/CFSP renewing restrictive measures against Burma/Myanmar (OJ L 308, 24.11.2007, p. 1).

⁽⁴⁾ OJ L 66, 10.3.2008, p. 1.

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- D. whereas the Burmese Government has included in the draft constitution provisions which reserve one quarter of the seats in both houses of parliament for military officers, give the country's military chief the right to suspend the constitution at any time and bar candidates from running for president if they have a foreign spouse or child (which would apply to the detained opposition leader of the National League for Democracy (NLD) and winner of the Nobel Peace Prize and Sakharov Prize, Aung San Suu Kyi); whereas the draft constitution also offers impunity for state agents for acts committed in office,
- E. whereas, since announcing the referendum, the government has issued Law No 1/2008, which denies voting rights to members of religious orders,
- F. whereas the democratic opposition has not been involved in the constitutional process,
- G. whereas the majority of the Burmese opposition has decided to vote no in the referendum,
- H. whereas there are still around 1 800 political prisoners in Burma, including Aung San Suu Kyi,
- I. whereas the Burmese Government has failed to address in any meaningful way the continued recruitment and use of children in armed conflict,
- J. whereas the sanctions adopted by the EU against the Burmese Government have not been effective so far,
- K. whereas the Burmese Government continues to enjoy close political and economic relations with neighbouring countries and with ASEAN,
- L. whereas 30 % of Burma's population, an estimated 15 million people, are subsisting below the poverty line,
1. Deplores the fact that the constitutional referendum process is devoid of any democratic legitimacy, as Burmese citizens lack all basic democratic rights that would allow them to hold an open debate on the constitutional text, amend it and subsequently freely express themselves through a referendum;
2. Condemns the rejection by the Burmese Government of the proposals made by UN Special Envoy Gambari, to allow an open and inclusive campaign in the run-up to the constitutional referendum; calls on the Burmese Government to act in good faith and to work constructively with the UN Special Envoy;
3. Supports the democratic transition through an inclusive process of national reconciliation and tripartite dialogue between the regime, the NLD and ethnic representatives;
4. Seeks from the Burmese Government guarantees that it will convene an independent election commission, compile a proper voter registration list, lift long-standing restrictions on the media, allow freedom of association, expression and assembly in Burma, revoke new regulations that criminalise legitimate debate on the referendum, and agree to the presence of international observers;
5. Calls for the immediate and unconditional release of political opponents of the regime and of more than 1 800 political prisoners, including Aung San Suu Kyi, the leaders of the '88 Generation Students, and the leaders of the Shan Nationalities League for Democracy arrested in 2005;
6. Calls for the regime to account for all casualties and missing persons from last September's crackdown on protests by Buddhist monks and democracy activists and to establish the whereabouts of missing monks and nuns;
7. Urges the Commission, the Council and Member States to take every opportunity to speak out in the international arena against the continuing and persistent abuse of children in Burma, especially through the use of child soldiers; condemns in the strongest possible terms the recruitment of child soldiers in Burma, and calls on the UN Security Council to thoroughly investigate the situation in Burma in this regard;

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8. Notes that China has recently ratified the UN Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, draws attention to the deplorable abuses perpetrated in this regard by the Burmese military junta, and urges China to take action in this regard;
9. Supports the good offices of the UN Secretary-General and Mr Gambari's efforts to negotiate with the Burmese authorities; calls on the EU and the Member States to work closely with the UN Special Envoy to ensure the consistency of the international community's involvement in Burma;
10. Supports the efforts of the EU's special envoy on Burma, Piero Fassino, to promote dialogue with ASEAN countries; urges ASEAN to put substantive pressure on the Burmese authorities to bring about democratic change;
11. Urges the Council to renew its targeted sanctions, and to broaden them, focusing on restrictions on access to international banking services for military-owned companies and for conglomerates and businesses that are closely linked to the military or whose earnings benefit the military, and restrictions on access to personal business opportunities, health care, shopping, and foreign education for their children for selected generals and their immediate families; urges the Council to comprehensively and explicitly prohibit selected individuals and entities from making any financial transactions that pass through clearing-house banks or otherwise using financial services within the EU's jurisdiction;
12. Calls on the Council to ensure the effective application of targeted sanctions, to adequately investigate potential targets of sanctions, to allow for a review of decisions and ongoing monitoring, and to ensure that the measures adopted are implemented;
13. Calls on the Council to continue to review sanctions against specific human rights benchmarks that should include the following: the release of political prisoners and all other persons arbitrarily detained for exercising their basic human rights to freedom of expression, association and assembly; the provision of an accurate official account of the numbers, whereabouts and conditions of individuals killed, arrested and/or detained by the security forces, including in the recent crackdown; a cessation of military attacks on civilians; and a transition to democracy; calls also on the Council to consider further targeted sanctions, such as a complete ban on new investment, a ban on the provision of insurance services for investment in Burma, and an embargo on trade in key commodities that provide significant revenue to the military government;
14. At the same time, calls on the EU and the wider international community to offer incentives for reform as a counterbalance to the threat and/or imposition of sanctions and provide the military leadership with positive motivation for change;
15. Notes that the EU arms embargo on Burma is ineffective, as the military government purchases its military goods in China, Russia and India; urges the EU, therefore, to campaign actively for a worldwide embargo on arms exports to Burma;
16. Calls on the international community, Western governments and campaign groups to scale up their humanitarian work, particularly through existing programmes in the health sector, and to initiate new and broader programmes to support basic education, reaching internally displaced persons (IDPs) and others caught in the conflict zones, mainly along the Thai border; in this context, calls on the Commission to extend its humanitarian aid budget under the Development Cooperation Instrument (DCI) for Burma (currently EUR 32 million for 2007-2010) and to invest more in cross-border humanitarian aid for IDPs;
17. Calls on the Commission to create and expand assistance programmes aimed at empowering disenfranchised groups, including women and ethnic and religious minorities, and alleviating political, ethnic, religious and other divisions;
18. Calls on the Commission to increase support for Burmese living outside the country through the DCI programme on uprooted people and to look into other ways of providing support;

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19. Stresses that the provision of aid should be linked to benchmarks and timelines, with a view to combating risks of corruption more effectively;

20. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the governments and parliaments of the ASEAN countries, the Burmese National League for Democracy, the Burmese State Peace and Development Council, the Government of the People's Republic of China, the Government and Parliament of India, the Government of Russia and the United Nations Secretary-General.

Biological diversity and biosafety

P6_TA(2008)0179

European Parliament resolution of 24 April 2008 on preparations for the COP-MOP meetings on biological diversity and biosafety in Bonn, Germany

(2009/C 259 E/13)

The European Parliament,

- having regard to the 9th Conference of the Parties (COP 9) to the UN Convention on Biological Diversity (CBD), to be held from 19 to 30 May 2008 in Bonn, Germany,
 - having regard to the 4th Meeting of Parties (MOP 4) to the Cartagena Protocol on Biosafety (BSP), to be held from 12 to 16 May 2008 in Bonn, Germany,
 - having regard to its resolution of 22 May 2007 on halting the loss of biodiversity by 2010 ⁽¹⁾,
 - having regard to Rule 108(5) of its Rules of Procedure,
- A. whereas the CBD is the largest global agreement on the protection of biodiversity, addressing the conservation and sustainable use of biodiversity and the fair and equitable sharing of the benefits from the use of genetic resources, and whereas it has been signed by 190 parties, including the 27 EU Member States and the European Community,
 - B. whereas parties to the CBD have committed themselves to reduce significantly the rate of biodiversity loss by 2010, and to establish a global network of protected areas on land by 2010 and on sea by 2012,
 - C. whereas the credibility of the CBD will depend on its capacity to meet those targets,
 - D. whereas the credibility of the European Union, in the CBD context, is hampered by the deficient implementation of internal biodiversity legislation and policies such as the Birds ⁽²⁾ and Habitats ⁽³⁾ Directives, the insufficient practical work for achieving the commitment to halt the loss of biodiversity by 2010 within its territory, its reluctance to enter into text-based negotiations of a legally binding instrument on access and benefits sharing (ABS) and its reluctance to provide new and additional targeted funding for the implementation of the CBD in developing countries,
 - E. whereas forest biodiversity loss, deforestation rates and the climate crisis are of such magnitude that significant steps to tackle deforestation and forest degradation cannot wait until after 2012,

⁽¹⁾ OJ C 102 E, 24.4.2008, p. 117.

⁽²⁾ OJ L 103, 25.4.1979, p. 1. Directive as last amended by Directive 2006/105/EC (OJ L 363, 20.12.2006, p. 368).

⁽³⁾ OJ L 206, 22.7.1992, p. 7. Directive as last amended by Directive 2006/105/EC.

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- F. whereas significant implementation gaps in the working programmes of the CBD need to be filled,
 - G. whereas the last CBD COP meeting took a step towards enhancing the role of representatives of indigenous peoples and local communities in further negotiations on ABS and their right to determine priorities on their territories as defined in the 2007 UN Declaration on the Rights of Indigenous Peoples,
 - H. whereas the last CBD COP meeting invited parties to strengthen their efforts to improve forest law enforcement and to address related trade,
 - I. whereas the last CBD COP meeting reaffirmed the application of the precautionary approach to the use of Genetic Use Restriction Technology and recommended that field trials and commercial use should not be approved,
 - J. whereas climate change will further aggravate the situation as regards global biological diversity, leading to ecosystem degradation and species extinction, and knock-on impacts on human development and poverty eradication,
 - K. whereas it is estimated that approximately 20 % of global carbon emissions are caused by deforestation and forest degradation,
 - L. whereas the CBD and the United Nations Convention on the Law of the Sea (Unclos) provide the international legal framework governing the protection of the marine environment as a whole; whereas there is still no overarching, legally binding agreement that would ensure that the existing commitments are consistently applied to all areas of the sea, including the international waters of the high seas,
 - M. whereas the CBD has a key role in supporting the work of the UN General Assembly (UNGA) with regard to Marine Protected Areas beyond national jurisdiction by providing scientific and, as appropriate, technical information and advice related to marine biological diversity,
1. Is deeply concerned at the continued loss of biodiversity and at the EU's ever increasing ecological footprint, which extends the impact on biodiversity well beyond the borders of the EU;
 2. Calls on the Commission and the Member States to show leadership and conviction by agreeing to and facilitating concrete measures for the protection of biodiversity, both domestically and internationally;
 3. Calls on the Member States, the Commission and the other parties to the CBD to set up an international scientific panel on biodiversity to advise the Convention and to establish comprehensive global mapping of high conservation value areas;
 4. Recognises the contribution of European Natura 2000 network of protected areas as a cornerstone of EU efforts to fulfil its international and internal biodiversity commitments and a major contribution to the global network of protected areas; calls on the Commission and Member States to ensure full implementation of the Birds and Habitats Directives and strongly opposes any attempts to weaken the protection afforded by those Directives;
 5. Considers that the discussion in the United Nations Framework Convention on Climate Change (UNFCCC) on reducing greenhouse gas emissions from deforestation and forest degradation in developing countries must be informed by the CBD and must ensure consistency with CBD aims and the objective of preserving forest biodiversity;
 6. Calls also for strengthened efforts to improve the synergies of the CBD, the UN Convention on Combating Desertification (UNCCD) and the UNFCCC in the area of climate mitigation and adaptation;

7. Urges the Commission and the Member States to:

- ensure that the COP 9 decisions are geared to implementing the CBD's programme of work on protected areas and to strengthening the implementation with a view to the 2010 targets, with particular reference to the CBD's programme of work on forest biological diversity,
- financially support the Life Web Initiative aimed at matching voluntary commitments by parties for the designation and management of protected areas with voluntary commitments from donors for dedicated financing and co-financing,
- play a leading role in the negotiations to adopt a fair and equitable, legally binding international regime on ABS of genetic resources; considers as essential that COP 9 makes progress in identifying the main elements of the international ABS regime, and guarantees full compliance with national legislation in provider countries to ensure effective measures against biopiracy;
- enhance synergies and links between the UNFCCC and CBD with the aim of maximising co-benefits with regard to the mitigation of climate change, biodiversity protection and sustainable human development,
- consider that achieving conservation and sustainable use of biodiversity should be amongst the top priorities for COP 9,
- ensure the recognition of effective management and financing of protected areas and their network as a vital necessity, and the adoption of innovative and permanent financial mechanisms, as they contribute to the conservation and sustainable use of biodiversity,
- carry out an EU impact assessment on droughts and water scarcity caused by climate change and its effects on wildlife habitats, highlighting the zones where migratory birds nest, and promoting international cooperation to protect migratory birds and the seasonal wetlands which provide them with water and food,
- ensure that COP 9 invites parties to begin a discussion and agree on common principles and criteria of good forest governance, building on the progress already made in various regional Forest Law Enforcement, Governance and Trade (FLEG/T) processes and the Amazon Treaty,
- ensure that COP 9 agrees that parties begin discussions to agree a global mechanism to regulate timber harvesting and trade for the purpose of combating illegal logging and promoting sustainable use of forest resources, and that COP 9 invites parties to adopt national legislation which prevents the sale of timber and timber products obtained through illegal and destructive logging,
- ensure that COP 9 recommends that parties further integrate forest biodiversity aspects of climate change impacts and response activities into national biodiversity strategies and action plans (NBSAPs) and into national forest programmes and other forest related strategies, as well as support research to better understand the impacts of climate change on forest biodiversity,
- ensure acceleration of the implementation of existing commitments for better conservation and sustainable management of marine biodiversity in order to protect marine biodiversity from destructive practices,

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- ensure that COP 9 adopts the proposed set of scientific criteria for the identification of marine areas in need of protection and for representative networks of marine protected areas, as recommended by the Expert Workshop on Ecological Criteria and Biogeographic Classification Systems for Marine Areas in Need of Protection,
 - ensure that COP 9 recommends that parties work towards an integrated governance approach for marine biodiversity in areas beyond national jurisdiction, with a view to applying the agreed criteria and extending national and regional networks of marine protected areas to the international waters beyond national jurisdiction,
 - encourage states to begin negotiations on an Unclos implementing agreement for the protection of marine biodiversity in areas beyond national jurisdiction, so as to ensure integrated governance in the long term,
 - ensure that COP 9 adopts a final decision to ban all terminator technologies and agree a moratorium on the environmental release, including field trials, and commercial use of genetically modified trees,
 - ensure that COP 9 makes available the recommendations on marine and coastal biodiversity of the Expert Workshop mentioned above to the UNGA Ad Hoc Open-Ended Informal Working Group,
 - play a leading role in the Meeting of Parties to the Cartagena Protocol to ensure a legally binding liability regime with a broad scope,
 - ensure that COP 9 urgently addresses the negative effects of the production of biomass for energy, especially of agrofuels production, on biodiversity and on indigenous and local communities;
 - promote the full implementation of the CBD Guiding Principles on Invasive Alien Species and in this regard adopt EU legislation to ensure that the threats posed by Invasive Alien Species on EU habitats and species are comprehensively addressed,
 - promote the implementation of the programme of work on protected areas, with particular reference to its goal 2.2, which seeks to enhance and secure involvement of indigenous and local communities and relevant stakeholders in the designation and management of protected areas, including promoting awareness on mitigation and adaptation activities and increasing cooperation between administrations and land owners,
 - encourage and support certification schemes for sustainable forestry and other crops including biofuels and the planting of trees in cattle rearing areas,
8. Welcomes the initiative taken at COP9 to convene a high-level dialogue with parliamentarians, and expresses its support for involving parliamentarians as a major group in the effective implementation of the three objectives of the Convention;
9. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the parties to the CBD.
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Towards a reform of the World Trade Organization

P6_TA(2008)0180

European Parliament resolution of 24 April 2008 on 'Towards a reform of the World Trade Organization' (2007/2184(INI))

(2009/C 259 E/14)

The European Parliament,

- having regard to its resolutions of 15 December 1999 on the Third Ministerial Conference of the World Trade Organization (WTO) in Seattle ⁽¹⁾, of 25 October 2001 on openness and democracy in international trade ⁽²⁾, of 13 December 2001 on the WTO meeting in Qatar ⁽³⁾, of 25 September 2003 on the Fifth Ministerial Conference of the World Trade Organization in Cancun ⁽⁴⁾, of 12 May 2005 on the assessment of the Doha Round following the WTO General Council Decision of 1 August 2004 ⁽⁵⁾, of 1 December 2005 on preparations for the sixth Ministerial Conference of the World Trade Organization in Hong Kong ⁽⁶⁾ and of 4 April 2006 on the assessment of the Doha Round following the WTO Ministerial Conference in Hong Kong ⁽⁷⁾,
- having regard to the final declarations of the sessions of the Parliamentary Conference on the WTO adopted in Geneva on 18 February 2003, in Cancun on 12 September 2003, in Brussels on 26 November 2004, in Hong Kong on 15 December 2005 and in Geneva on 2 December 2006,
- having regard to the Marrakesh Agreement Establishing the World Trade Organization,
- having regard to the declarations of the WTO Ministerial Conference, adopted in Doha on 14 November 2001 and in Hong Kong on 18 December 2005,
- having regard to the report of January 2005 of the Advisory Board chaired by Peter Sutherland on the future of the WTO ⁽⁸⁾,
- having regard to the WTO's 2004 World Trade Report on the role of trade unions and the lack of scope for representation of workers' interests in the WTO,
- having regard to paragraph 56 of the Hong Kong Declaration, on the necessary steps to ensure the full involvement and assistance of key UN agencies including the ILO in WTO processes and in the current negotiations,
- having regard to Rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on International Trade and the opinions of the Committee on Development and the Committee on Economic and Monetary Affairs (A6-0104/2008),
- A. whereas the WTO plays a key role among the multilateral organisations which contribute to international economic governance, better management of globalisation and a fairer distribution of its benefits and they must strive jointly to achieve the Millennium sustainable Development Goals,
- B. whereas when the current WTO Round was launched in Doha, Qatar, in 2001, it was officially named the 'Doha Development Agenda,' emphasising the priority of helping developing and poor countries gain more from trade liberalisation,

⁽¹⁾ OJ C 296, 18.10.2000, p. 121.

⁽²⁾ OJ C 112 E, 9.5.2002, p. 326.

⁽³⁾ OJ C 177 E, 25.7.2002, p. 290.

⁽⁴⁾ OJ C 77 E, 26.3.2004, p. 393.

⁽⁵⁾ OJ C 92 E, 20.4.2006, p. 397.

⁽⁶⁾ OJ C 285 E, 22.11.2006, p. 126.

⁽⁷⁾ OJ C 293 E, 2.12.2006, p. 155.

⁽⁸⁾ 'The Future of the WTO — Addressing Institutional Challenges in the New Millenium', Report by the Consultative Board to the Director-General Supachai Panitchpakdi (WTO, January 2005).

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- C. whereas the EU attaches the utmost importance to safeguarding what has so far been achieved by the multilateral trade system and remains firmly committed to the success of the Doha Round,
 - D. whereas, in spite of difficulties in the negotiations, the efforts to conclude this Round successfully are continuing and must be encouraged,
 - E. whereas the various bilateral and regional trade negotiations recently initiated by the EU with many partners across the world shall be complementary and not an alternative to the conclusion of the Doha Round,
 - F. whereas over and beyond the immediate concerns regarding the conclusion of the Round and the critiques of the different positions on the various subjects under discussion, preparations now need to begin for the post-Doha period,
 - G. whereas an important analysis of the future of the WTO and the institutional challenges it faces was carried out as far back as 2004 by the Advisory Board chaired by Peter Sutherland; whereas, however, no practical action was taken with regard to the recommendations set out in the report delivered by the said Advisory Board to the WTO Director-General in January 2005,
 - H. whereas it is now a matter of urgency to relaunch this debate in the light of the latest developments and to fundamentally review several aspects of the functioning of the WTO with a view to increasing both its effectiveness and its legitimacy,
 - I. whereas the institutional debate in the WTO called for by the European Parliament is in no way incompatible with the continuation and possible conclusion of the Doha Round,
1. Reiterates its appeal to all parties concerned, especially the emerging economies, to show flexibility in order to revive the Doha Round and reach an agreement that is complete, balanced and beneficial both to the recovery of international trade and world growth and to the development of the less developed countries on the planet;
 2. Considers, moreover, that it is now more necessary than ever to resume the debate on the decision-making process, mandate, functioning and future of the WTO with a view to the possible reform of this organisation;
 3. Calls on the Commission to present, as soon as possible, a strong initiative in Geneva with a view to relaunching this debate; calls on the Commission to make contact informally, in this regard, with other WTO members likely to support such an initiative and with the Director-General of that organisation, and to report to him, by the end of 2008, on the outcome of these consultations;
 4. Welcomes a substantial reform of the WTO and reiterates the importance of trade as an effective tool for development and poverty reduction; stresses the importance of multilateralism as a mechanism to promote free and fair trade and in order to achieve the United Nations Millennium Development Goals;
 5. Believes that a strong WTO with a rules-based international trade system offers opportunities for developing countries to eliminate poverty; regrets that limited resources put developing countries at a disadvantage when negotiating; underlines that the EU should support a strengthened WTO secretariat and increased resources for technical support, especially to developing WTO members in order to enable them to address their specific concerns;

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6. Points out that the WTO is the only global organisation with rule-setting functions that is not part of the family of UN organisations, and that WTO rule-setting restricts itself to the sole remit of trade policy; calls on the Commission to put this structural dilemma high on the agenda of WTO reform;
7. Takes the view that the proposed exercise should focus first and foremost on the very aims of the multilateral trade system, to ensure that they are mutually supportive and consistent with the action being taken by other international organisations; considers in particular that the coordination of WTO activities with those of the International Labour Organization (ILO), the United Nations Food and Agriculture Organisation (FAO), the United Nations Environment Programme (UNEP), the United Nations Development Programme (UNDP), the World Health Organization (WHO), the United Nations Conference on Trade and Development (UNCTAD) and the Kyoto programme on renewable energy, should be strengthened, in order to ensure greater consistency in the decision-making processes of those organisations; in this connection, believes that the ILO should be granted observer status before the WTO and that a committee on trade and decent employment should be set up modelled on the Committee on Trade and Environment;
8. Calls for thorough consideration on the issue of better accommodating non-trade concerns within the scope of WTO rules, in order to allow members to pursue legitimate policy objectives, while safeguarding market access; stresses in that respect that efforts for the adoption of international standards should be strongly supported by the EU and that the necessary aid should be granted to developing countries in order to meet such standards;
9. Requests that consideration be given within the UN, in liaison with the WTO, to the new links that should be forged between multilateral organisations so as to ensure consistency in their actions and in the various international agreements and conventions, in the interests of sustainable development and poverty eradication;
10. Is of the opinion that the most challenging requirement for consistency between the UN system and the WTO will be the need for the latter to ensure trade rules fully respect human rights law and social and environmental standards;
11. Supports an incentives-based approach concerning the observance of environmental and social standards by WTO members but equally calls for the examination of WTO-compatible measures for addressing social and environmental dumping;
12. Supports an analysis of social, gender and environmental concerns, including employment, workers' rights and related provisions in the future trade policy review mechanism examination of WTO members;
13. Calls on those participating in the debate to question the limits of the approach whereby trade negotiations are held in long-term 'Rounds', involving all WTO members in discussions on a wide range of subjects on the basis of a 'single undertaking'; acknowledges the historical merits of this approach in establishing and developing the multilateral trade system and allowing for progressive liberalisation and reciprocal and mutually beneficial commitments; believes however that in areas where sufficient progress has been achieved, (as it is the case currently for Trade Facilitation) recourse could be made to other, more flexible and effective formulas in future;
14. Considers that the institutional structure of the WTO could be improved by better distinguishing the activities relating to the negotiation of new rules and commitments from those relating to the implementation of existing agreements; stresses the importance of the latter type of activity which should under no circumstances be sacrificed by WTO members in terms of resources and political attention;
15. Suggests that the relevance and applicability of the multilateral trade rules in force should be subject to regular revision with a view to their possible adaptation;

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16. Calls for a redefinition of the role and format of Ministerial Conferences; observes already the tendency of WTO members to prefer more informal methods of coordination and decision-making at this level and notes that no Ministerial Conference was convened in 2007 despite the conditions laid down in the Marrakesh Agreement with regard to the frequency of such meetings; calls on WTO members to learn lessons from this;

17. Stresses the importance of the parliamentary dimension of the WTO in order to enhance the democratic legitimacy and transparency of WTO negotiations; stresses the importance of the work done by the Parliamentary Conference on the WTO, which is organised jointly by the European Parliament and the Inter-Parliamentary Union (IPU), whose activities could be stepped up;

18. Recalls that parliamentarians, as elected representatives of the citizens, have an important role to play in trade negotiations and, in particular, in WTO negotiations;

19. Stresses the need to create a WTO parliamentary assembly with consultative powers, given the WTO's lack of democratic accountability and legitimacy, and welcomes any reform that will strengthen the association of parliamentarians with the WTO;

20. Calls on WTO members to provide sufficient support to their parliamentarians to take part in the development of a parliamentary dimension to the WTO; urges the Commission to take initiatives to this end at the WTO; stresses that, until the WTO assumes this responsibility, the parliamentary dimension to the WTO will be granted by the Parliamentary Conference on the WTO jointly co-organised by the European Parliament and the IPU;

21. Calls for the introduction of a more democratic system of decision-making at the WTO that takes into account the views of the entire membership, which comprises countries at varying levels of development;

22. Considers it neither realistic nor desirable to call into question the principle of consensus in the WTO decision-making process, which guarantees, unlike majority (or weighted) voting, the equality of all members; takes the view, however, that various solutions could be examined with a view to facilitating, on a case-by-case basis, the emergence of such consensus;

23. Acknowledges the proposals made in the abovementioned Sutherland report on a plurilateral approach with opt-in or opt-out agreements, in cases where a consensus cannot be reached, but reaffirms its commitment to multilateralism and warns that plurilateralism will not necessarily benefit the developing countries and might deepen the gap between developed and developing countries;

24. Observes the multiplication in the WTO of informal groups involving a varying number of WTO members which unite around certain common, sectoral or regional interests, and the often useful role played by these groups in summarising positions and helping to form compromises; calls on the WTO members to reflect on the possibility of better managing the establishment and functioning of such groups, in the interest of transparency and efficiency, and of giving them the necessary resources for their activities;

25. Points out that equal and effective participation by all members, particularly LDCs, must be given due consideration in any reform of the multilateral trade system;

26. Considers it essential to increase the active participation of developing countries, so that they feel fully represented in the negotiating process and are able to identify, express and defend their own trade interests, for instance by introducing a system of representation by coalition rather than by a set group of countries, and by earmarking resources that are sufficient to develop the knowledge and technical know-how of those countries; stresses that adequate resources are also necessary for developing countries to effectively implement WTO rules, adjust to reforms and, thus, better integrate into the world trading system;

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27. Urges that efforts be made to enhance the participation and representation of developing countries on the Executive Councils, as well as to strengthen their internal systems for reporting, transparency and good governance;

28. Welcomes the proposal of the Sutherland report to include funding arrangements for technical assistance as a contractual right for the LDCs so that they can participate meaningfully in the multilateral trading system; stresses the critical importance of capacity building for developing countries in order to enhance their ability to negotiate, to identify needs and strategies and to fulfil WTO commitments;

29. Considers that the recurrent question of the establishment of a kind of WTO 'restricted Council' or 'Steering Committee' to prepare and facilitate consensus-based decisions in the General Council should be looked into more closely; questions though how representation on a case by case basis could be achieved and stresses that there is a strong need for such a body to be accountable to the entire WTO membership and internally transparent;

30. Stresses that the role of the WTO secretariat is critical, and believes that it is important that the secretariat has a proportionate representation of officials from developed and developing countries in order for it to discharge its mandate more effectively;

31. Wishes to see the issue of the role of the WTO secretariat and Director-General carefully considered; queries the limits of an excessively stringent application of the principle of the management of the system by the governments of the WTO members (the member-driven organisation concept); considers it necessary to strengthen the financial and human means and resources available to the WTO secretariat; notes, however, that granting powers of initiative to the WTO bodies in order to promote the 'collective' interest, raises issues of democratic legitimacy, accountability and transparency;

32. Suggests that some leeway could also be given to the WTO secretariat, allowing it to adopt measures of institutional interest, propose compromise formulas in the case of deadlock, or even chair the meetings of certain bodies, in the interest of continuity and impartiality; stresses the need for such proposals to be accompanied by serious reflection on the arrangements for recruiting members of the secretariat and on the appropriateness of its resources for the tasks with which it is entrusted;

33. Is convinced that the failure to differentiate sufficiently between developing countries, in spite of the wide variety in economic development levels and the specific needs of those countries, could be an obstacle to adopting effective measures to benefit these countries in accordance with the stated objective of the Doha Round and is to the detriment of developing countries which are most in need; urges advanced developing countries to take up their share of responsibility already during the current Round and make contributions commensurate to their level of development and (sectoral) competitiveness;

34. Considers that recasting Special and Differential Treatment (SDT) is critical for the relevance of the WTO from a development perspective; such recasting should include a new differentiation between the developing countries in the WTO and an approach to SDT based on the development needs of individual countries rather than categories of countries; recommends that effective criteria be used to differentiate, by not only taking into account GNP growth, but also indicators such as the economic vulnerability index and the trade and development index;

35. Considers that serious consideration should be given to the issue of categorisation or sub-categorisation, not only of developing countries but also of all other WTO members, on the basis of objective criteria which are not exclusively linked to gross national product, with a view to a possible differentiated application of existing agreements or of those under negotiation;

36. Considers that transparency in the drawing up and pursuit of trade policies represents a legitimate demand on the part of society, citizens and parliamentarians; welcomes the genuine progress achieved by the WTO in terms of external transparency since its establishment in 1995, and the effectiveness of its communication policy; stresses the importance for economic operators and for all the civil society actors concerned to have permanent access to quality information on the multilateral trade rules and their actual application, and on any exemptions of WTO members;

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37. Supports the ideas proposed by the WTO Director-General seeking to strengthen the 'active transparency' mechanisms and to monitor and supervise effectively the application of the rules and undertakings approved by the WTO members, with a view to ensuring that they are genuinely and fully implemented; calls on the WTO to continue its efforts in this area and calls on the WTO members to give it sufficient resources for that purpose;

38. Points out that the Dispute Settlement Understanding has, since 1997, been the subject of negotiations designed to clarify some of its rules and improve their application; regrets the prolonged lack of results in these negotiations; supports the EU proposal for enhancing of the autonomy of the dispute settlement bodies;

39. Advocates that, under the dispute settlement procedure, the substantive meetings with the parties, special groups and the Appellate body, given the judicial nature of the proceedings, should in future be held in public as is usual for court hearings, and that the documents concerned, in particular the communications from the parties or experts, should be publicly available, except in rare and duly justified cases;

40. Takes the view that the WTO dispute settlement mechanism has, overall, fulfilled its role successfully up to now, but that certain adjustments are necessary, in particular with regard to the implementation of the recommendations and decisions of the dispute settlement body; is in favour of the judicialisation of the dispute settlement system which has enhanced the credibility of WTO commitments, placing WTO members on a more equal footing;

41. Stresses the need to ensure that the Dispute Settlement Body interprets WTO rules in such a way that it takes into due account applicable international environmental and social law and, where needed, calls on the Commission and WTO membership as a whole to amend WTO rules in this regard;

42. Envisages the possibility of introducing sanctions against those countries which refuse to ensure that their laws or measures comply with their obligations, to the benefit of the countries harmed by such laws or measures, especially if they are small economies which cannot credibly resort to retaliation measures;

43. Calls on the WTO members to take this opportunity for a more wide-ranging debate on a possible reform of this organisation in order to continue and conclude the process of revising the Dispute Settlement Understanding;

44. Considers that in the WTO framework positive integration should also be promoted among its members, in addition to the reduction or elimination of trade barriers (negative integration);

45. Believes that the issue of accession should also be included in the programme for such a debate; regrets that some negotiations for accession to the WTO sometimes last longer than is reasonable because they are blocked by only one or a few WTO members;

46. Calls on the WTO members to consider the idea of a special pre-accession status for candidate countries which, while not having yet concluded their bilateral market access negotiations with their key partners in the organisation, pledge to take on without delay all the obligations resulting from the application of the existing rules; stresses that the decision on whether or not to admit a new member country to the WTO should always be adopted on the basis of strictly commercial considerations;

47. Considers that the EU's 'Everything But Arms' initiative is a good example of market access to the LDCs;

48. Recalls the still unimplemented GATT 1994 Article XXXVIII, paragraph 2(a), laying down the commitment of all WTO members to stabilise and improve market conditions for primary products of particular interest to developing country members, and regards decisive action on this Article as an important feature of a reformed WTO;

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49. Points out that the debate on the reform of the WTO should be an eminently political exercise which, to succeed, will require a high level of commitment and determination on the part of the WTO members; leaves it up to the latter to decide within which WTO body this work should be carried out and the role to be played by the Director-General; calls, however, for the parliaments of the WTO members to be involved in the exercise through a contribution from the Parliamentary Conference on the WTO;

50. Instructs its President to forward this resolution to the Council and Commission, the governments and parliaments of the Member States and candidate countries, the governments and parliaments of the other WTO members and the WTO.

Free Trade Agreement with the Gulf Cooperation Council

P6_TA(2008)0181

European Parliament resolution of 24 April 2008 on the free trade agreement between the EC and the Gulf Cooperation Council

(2009/C 259 E/15)

The European Parliament,

- having regard to its resolution of 13 July 1990 on the significance of the free trade agreement to be concluded between the EEC and the Gulf Cooperation Council (GCC) ⁽¹⁾,
- having regard to its resolution of 22 May 2007 on global Europe — external aspects of competitiveness ⁽²⁾,
- having regard to its resolution of 23 May 2007 on promoting decent work for all ⁽³⁾,
- having regard to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions entitled ‘Global Europe: Competing in the World. A contribution to the EU’s Growth and Jobs Strategy’ (COM(2006)0567),
- 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 on a common European approach to Sovereign Wealth Funds (COM(2008)0115),
- having regard to the Economic Agreement between the GCC States, adopted on 31 December 2001, in Muscat, Sultanate of Oman, and to the GCC’s Doha Declaration on the launch of the Customs Union for the Cooperation Council of the Arab States of the Gulf of 21 December 2002,
- having regard to Articles 188c and 188n, paragraph (6)(a)(v) of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, pursuant to which the Council must request Parliament’s consent prior to the conclusion of any international agreement that covers fields to which the ordinary legislative procedure applies,
- having regard to the European Parliament’s annual human rights reports,
- having regard to Rule 108(5) of its Rules of Procedure,

⁽¹⁾ OJ C 231, 17.9.1990, p. 216.

⁽²⁾ Texts Adopted, P6_TA(2007)0196.

⁽³⁾ Texts Adopted, P6_TA(2007)0206.

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- A. whereas the EU should continue to give priority to a rule-based multilateral trading system established through the World Trade Organization (WTO), which is the best forum for fair and equitable international trade rules and ensuring compliance with them,
 - B. whereas respect for and the promotion of human rights are essential for any agreement to be concluded by the EU with any country,
 - C. whereas the GCC is the EU's sixth largest export market and the EU is the GCC's leading trading partner; whereas EU exports to the GCC are diversified, consisting primarily (56 % in 2006) of machinery and transport materials, and EU imports from the GCC consist mostly of fuels and derivatives,
 - D. whereas GCC countries currently benefit from preferential access to the EU market under the EU's Generalised System of Preferences (GSP),
 - E. whereas EU businesses still encounter serious barriers to trade in GCC states, and whereas, in particular, the 50 % ceiling on holdings in local undertakings dissuade many EU businesses from seeking to invest in them,
1. Believes that a trade agreement with the GCC is a useful supplement to the WTO multilateral system, provided it goes well beyond tariff reductions and deals with the qualitative conditions associated with trade, including effective provisions on human rights, and social and environmental standards;
 2. Considers, in light of the need for more sustainable trade patterns in order to combat climate change, that access to energy resources is a matter of multilateral rule-setting which must not be undermined by bilateral trade agreements that compete for the most favourable access conditions;
 3. Is concerned about the delay in the negotiation process, but notes with interest the substantial progress made in 2007; calls on both parties to make substantial advances in negotiations on the topics still outstanding before the EU-GCC Ministerial summit of 26 May 2008;
 4. Asks the EU institutions and the GCC, while developing and expanding harmonious economic relations, to strengthen their political and social dialogue;

Reciprocal market access

5. Underlines the crucial importance of market access, in addition to quota and tariff reduction or elimination, as well as the liberalisation of non-tariff barriers;
6. Asks the Commission to carefully define measures in the area of product standards (support in capacity building and exchange of human resources); recalls that the final objective of agreed standards is their enforcement, requiring their inclusion in the dispute settlement mechanism;
7. Gives priority to the effective enforcement of Intellectual Property Rights (IPR); calls for the conclusion of a free trade agreement (FTA) of which scientific and technical cooperation and intellectual property are essential elements;
8. Expresses its concern with regard to the possible distortions in competition caused in several GCC states by public subsidies or any other advantages connected with access to raw materials at lower costs than the world prices paid by EU operators, and considers that the FTA should reaffirm the existing WTO rules on subsidies and countervailing measures;

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9. Expresses its concern about the asymmetric development of cross-border investments, as EU investments in the GCC region have decreased whereas GCC investments in the EU have increased; proposes, therefore, improved cooperation in competition policy;

10. Stresses that all export subsidies should be eliminated in the short term; considers that priority should also be given to quantitative restrictions;

Sectoral issues

11. Stresses the importance of improving liberalisation of services and investment in the agreement, together with public procurement, while respecting the need to ensure universal, accessible and sustainable public services with affordable prices and high-quality standards for all;

12. Considers that the agreement should seek to promote increased transparency and accountability with regard to investments made by sovereign wealth funds;

13. Is concerned about non-tariff barriers such as restrictions on business services, where a reduction in unjustified constraints could lead to GCC firms having access to lower cost, more efficient banking, insurance and legal services;

14. Welcomes the abovementioned Commission Communication on a common European approach to Sovereign Wealth Funds, in particular the proposal for a code of conduct governing their investment activities; stresses the importance of evaluating the participation of such funds in sensitive European sectors;

15. Calls for the inclusion of a mechanism stipulating that GCC petrochemical producers must incorporate their raw materials at international prices; considers that access to raw materials at low prices should be considered as subsidies distorting fair competition, and therefore be treated as dumping in the context of the WTO;

16. Asks the Commission to promote the use of the Euro in future trade between the Member States of the EU and the GCC;

Sustainable development

17. Stresses that enforceable human rights clauses are an essential part of an FTA with any country or region and should be included in the agreement as a suspension clause;

18. Considers that an ambitious, sustainable development chapter is an essential part of the agreement and recalls that the ultimate objective is the enforcement of agreed standards; takes the view that this requires the chapter to be subject to the standard dispute settlement mechanism;

19. Considers that the ratification and full implementation by the GCC Member States of the framework established by the United Nations Convention against Transnational Organised Crime, the United Nations Convention against Corruption and the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families should play an essential role in ensuring that the FTA is accompanied by anti-corruption, transparency and social standards;

20. Insists that respect for democratic principles and fundamental rights, as laid down by the UN Universal Declaration of Human Rights of 10 December 1948, should inspire the domestic and international policies of the parties; encourages the efforts undertaken by the GCC Member States to tackle discrimination against women, particularly within the labour market;

21. Expects the agreement to commit the parties to ratifying the core International Labour Organization conventions and ensuring their effective implementation; urges the Commission to consider ways of providing incentives to countries that improve labour standards, especially regarding migrant workers who make up the majority of the labour force in most GCC states;

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22. Proposes that a mechanism be established whereby recognised human rights organisations and workers' and employers' organisations can submit requests for action which would be treated within a specified time limit and could result in ongoing follow-up and review provisions, in order to maintain pressure against violations of workers' rights;

23. Asks the Commission to submit an updated Sustainability Impact Assessment, particularly with regard to measures which may be required to mitigate the negative impact on certain groups or sectors;

24. Asks the Commission to consider the shift in trade patterns due to reciprocal liberalisation, and especially the impact on losses in GSP preference gains, in order to define optimum tariff reductions;

25. Stresses that, further to the FTA, cooperation between the EU and the GCC should be promoted, particularly in areas such as sustainable development, climate change and energy efficiency, including provisions on renewable energy and the Galileo programme;

26. Invites both parties to verify areas of increased cooperation in the framework of the present Euro-Mediterranean partnership, and particularly in the field of foreign direct investment;

EP role

27. Expects the Lisbon Treaty to enter into force before the conclusion of the negotiations, thus requiring parliamentary assent for this type of agreement; calls on the Commission to make the 2001 negotiating mandate available to Parliament;

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28. Instructs its President to forward this resolution to the Council and the Commission, the governments and parliaments of the Member States and of the GCC countries, and the GCC Secretary-General.

Green Paper on market-based instruments for environment and related policy purposes

P6_TA(2008)0182

European Parliament resolution of 24 April 2008 on the Green Paper on market-based instruments for environment and related policy purposes (2007/2203(INI))

(2009/C 259 E/16)

The European Parliament,

- having regard to the Green Paper on market-based instruments for environment and related policy purposes (COM(2007)0140),
- having regard to the Presidency Conclusions of the Brussels European Council (8-9 March 2007), including the Energy Policy for Europe in Annex I,
- having regard to the European Environment Agency Report 'Using the market for cost-effective environmental policy' (No 1/2006),
- having regard to Articles 2 and 6 of the EC Treaty, under the terms of which environmental protection requirements must be incorporated in the various areas of Community policy with a view to ensuring that economic activities develop in an environmentally sustainable way,
- having regard to Article 175 of the EC Treaty,

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- having regard to Decision No 2179/98/EC of the European Parliament and of the Council of 24 September 1998 on the review of the European Community programme of policy and action in relation to the environment and sustainable development 'Towards sustainability' ⁽¹⁾,
- having regard to the review of the EU strategy to promote sustainable development,
- having regard to the 6th Environment Action Programme,
- having regard to its resolutions on thematic strategies for the urban environment ⁽²⁾, the recycling of waste ⁽³⁾, the sustainable use of natural resources ⁽⁴⁾ and the sustainable use of pesticides ⁽⁵⁾,
- having regard to its resolution of 15 November 2007 on limiting global climate change to 2 Degrees Celsius — the way ahead for the Bali Conference on Climate Change and beyond ⁽⁶⁾,
- having regard to Rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Economic and Monetary Affairs and the Committee on Industry, Research and Energy (A6-0040/2008),

Environmental objectives of the European Union and background

- A. whereas the data on climate change indicate that rigorous action will need to be taken to limit its effects; whereas the European Council has set minimum CO₂ emission reduction targets of 20 % by 2020 and 60 % by 2050; whereas the European Council has also set targets of a 20 % share of renewables in energy consumption and a 20 % improvement in energy efficiency by 2020,
- B. whereas the Parliament in its abovementioned resolution of 15 November 2007 stresses that industrialised countries must commit themselves to reduce their emissions by at least 30 % by 2020 and 60-80 % by 2050 compared to 1990,
- C. whereas there are various types of pollution and there is a risk of natural resources running out,
- D. whereas there is a high risk of numerous animal and plant species dying out, and whereas the EU has set a goal of stopping the loss of biodiversity by 2010,
- E. whereas there is a steady increase within the EU of traffic connected with transport, in particular the transport of goods, and a resulting increase in energy consumption,
- F. whereas market-based instruments (MBIs) constitute important tools for implementing the polluter pays principle and, more broadly, for taking into account the hidden costs of production and consumption in terms of people's health and the environment in a cost-effective way,
- G. whereas wide disparities exist between Member States as regards both environmental taxation (ranging from 2 % to 5 % of GDP) and the use of MBIs, and whereas the share of environmental taxes in Member States' GDP has been falling for the past five years,
- H. whereas taxes on energy account on average for 76 % of environmental taxation, and taxes on transport for 21 %,

⁽¹⁾ OJ L 275, 10.10.1998, p. 1.

⁽²⁾ European Parliament resolution of 26 September 2006 on the thematic strategy on the urban environment (OJ C 306 E, 15.12.2006, p. 182).

⁽³⁾ European Parliament resolution of 13 February 2007 on a Thematic Strategy on the recycling of waste (OJ C 287 E, 29.11.2007, p. 168).

⁽⁴⁾ European Parliament resolution of 25 April 2007 on a Thematic Strategy on the sustainable use of natural resources (OJ C 74 E, 20.3.2008, p. 660).

⁽⁵⁾ European Parliament resolution of 24 October 2007 on a Thematic Strategy on the Sustainable Use of Pesticides (Texts Adopted, P6_TA(2007)0467).

⁽⁶⁾ Texts Adopted, P6_TA(2007)0537.

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- I. whereas households bear the bulk of the burden of environmental taxes even though other sectors of the economy are the main energy and water consumers and transport users,
- J. whereas the reform of environmentally harmful subsidies (EHS) can contribute to addressing climate change, advance sustainable development and maintain the EU's international competitiveness,
- K. whereas the response to the forecast global impact of climate change must be not merely a decoupling of growth from production and consumption patterns but also a change in our socio-economic development model,
- L. whereas current GDP economic indicators no longer suffice as a means of evaluating social, economic and environmental reality accurately, and whereas they do not take account of the environmental consequences of human activities that must be addressed; whereas consideration should be given to new environmental indicators for calculating wealth created which are designed to take better account of these changes,

Criticisms of the Green Paper

- 1. Welcomes the reference to the polluter pays principle but criticises the fact that the link is weak, or non-existent when it comes to designing and calibrating existing environment policy instruments; stresses that the polluter pays principle enables a real price to be set by including in the product price the cost of cleaning up pollution and repairing damage caused by production; points out that, in fact, production or products which pollute are ultimately more expensive, if the price includes all external factors, because prevention is cheaper than restoration or rehabilitation;
- 2. Regrets the absence of an in-depth analysis about the merits of differentiation between MBIs targeted at the consumer as opposed to the producer level;
- 3. Stresses that the polluter pays principle cannot be seen only in terms of making final users, particularly households, pay;
- 4. Criticises the fact that the Green Paper concentrates mainly on atmospheric pollution and global warming and by and large disregards the other negative impacts of production and distribution processes and consumption patterns;
- 5. Shares the view of the Commission concerning the diversity of MBIs and the distinction between taxes and charges, the latter consisting normally in making payment for a clearly defined service or cost; emphasises the need to have both incentive instruments and deterrent instruments available if environmental and health protection objectives, as well as those of a sustainable development strategy, are to be met;
- 6. Criticises the fact that the international dimension is touched on too briefly and that measures aimed at maximum reduction of distortions of competition among regions and industrial sectors have still not been introduced;

Measures

- 7. Welcomes the Green Paper; urges the Commission to develop a clear strategy on the use of MBIs to price environmental damage and correct related market failures, covering taxation, the EU Emission Trading Scheme (ETS) review, trade and technology policy;
- 8. Calls on the Commission, when drawing up its implementation strategy for MBIs, to consider and prepare a comprehensive report on the effectiveness of the environmental regulatory instruments currently applied by the EU with a view to ascertaining in which areas it would be appropriate to replace the existing legislation with MBIs;
- 9. Calls on the Commission to use a comparative study of existing MBIs in order to evaluate their effectiveness and promote the exchange of good practice between Member States;

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10. Calls on the European Union to distinguish gross economic wealth per inhabitant from net economic, social and environmental wealth as the true progress indicator (TPI); calls on the Commission and the Member States in consequence to study in more depth the possibility of measuring European growth using 'green' indicators ⁽¹⁾ which factor in the wealth lost as a result of environmental damage;

11. Recognises that the full internalisation of environmental costs is an important prerequisite for creating fair competition between different businesses and for increasing the economic incentives for cleaner production and consumption and stimulating innovation of cleaner technologies;

12. Recognises that a failure to internalise environmental costs is tantamount to subsidising environmentally harmful activities;

13. Points out that the existence of a large number of EHS in EU Member States aggravates pollution and seriously undermines the polluter pays principle;

Principles

14. Points out that the polluter pays principle is one of the pillars of EU environment policy, implying that externalities are internalised into market prices so as to make sure they reflect the true costs of production or of environmental and health damage caused; notes that the implementation of the polluter pays principle leaves a lot to be desired in most Member States;

15. Notes that MBIs comprise a wide range of tools which are designed to respond to specific purposes, such as tradable permits that have been designed to achieve reductions in pollution (CO₂ emissions for example); environmental taxes, which are meant to change prices and thus the behaviour of producers and consumers; environmental charges, designed to cover costs of environmental services; environmental subsidies, designed to support the development of cleaner technologies, etc.;

16. Recognises that MBIs for environment purposes are one of the most effective ways of achieving environmental objectives at reasonable cost; stresses however that such instruments have to be complemented by other measures such as efficiency standards, emission targets, etc.;

17. Notes that MBIs will have a key role to play in meeting the EU's target of a 20 % share of renewable energy of overall energy consumption by 2020;

18. Takes the view that the move towards sustainable development and a carbon-free economy requires a combination of deterrent instruments (e.g. taxes, fees) and incentive instruments (e.g. trading schemes);

19. Stresses that the development of instrument mixes will help to optimise the use of MBIs; in this context, considers that MBIs can contribute greatly to achieving the goals of the Lisbon agenda;

20. Takes the view that energy and climate measures adopted as part of a comprehensive concept at EU and national levels must be brought into line with the objectives agreed in Lisbon and Göteborg;

21. Takes the view that MBIs represent an appropriate and effective means of internalising external effects which should be used much more frequently and which can complement, but not replace, administrative instruments;

22. Stresses that the implementation of MBIs to address pollution and negative environmental impacts needs to be based on environmental effectiveness; takes the view that social consequences resulting from the implementation of MBIs should be compensated for by specific policy measures such as floor prices, rate reductions, subsidies etc. for low-income households; considers it also necessary to adopt measures aimed at penalising excessive consumption;

⁽¹⁾ Environmental indicators or indicators that take account of the environment, such as IBED (Indicateur du bien-être durable) or ISEW (Indicator of Sustainable Economic Welfare), TPI.

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23. Recalls that Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity ⁽¹⁾ ('the Energy Taxation Directive') foresees that, under certain conditions, taxation can be fully or partially replaced by alternative MBIs, including, in particular, the EU ETS;

24. Emphasises the important role of environmental taxation in achieving environmental objectives;

25. Considers that Community market-based measures cannot be limited to emission permit or emission quota trading schemes and that other possible schemes need to be envisaged, such as the introduction of a carbon tax, as well as a reduction in subsidies for fossil fuels;

26. Stresses that environmental taxes should not be seen primarily as a means to increase fiscal revenue, but rather as a way of avoiding harmful pollution and environmental degradation — and thus enhancing welfare in society — at reasonable cost; stresses that imposing taxes on negative factors, such as pollution, ought to be offset by lessening taxes on positive factors, such as labour;

27. Points out that, despite the unanimity requirement in the area of taxation, the treaties offer the possibility of enhanced cooperation, and draws attention to the existence of the open coordination method; calls on the Member States, therefore, to make progress on the issue of environmental taxation at European level in order to prevent all forms of fiscal dumping;

28. Notes that greater EU coordination on environmental taxes and the exchange of best practices will facilitate reform; supports in particular proposals to allow Member States to reduce VAT rates or offer tax credits for energy efficient products and energy saving materials; stresses however that Member States should decide themselves on what is appropriate for their own tax systems;

29. Notes the benefits of environmental tax reforms; calls on Member States to implement such reforms to alleviate, inter alia, energy poverty and support low carbon technologies, energy savings, energy efficiency and renewables technologies;

30. Supports the reduction in taxes on labour at national level, but stresses that it is not linked solely to the reform of environmental taxation;

31. Considers that price modulation is one way of influencing production and consumption patterns, and of stimulating users to select appropriate environmentally friendlier modes of transport (for instance by reducing prices in public transport); considers that any increase due to the use of MBIs must be predictable and take into account, if necessary, the particular circumstances of each Member State; stresses, nevertheless, that price measures can have a limited impact because of the weak elasticity in certain sectors and in certain categories of consumer;

32. Stresses the need to obtain precise data on the environmental and social costs for the entire life cycle of products and services; calls on the Commission to put forward a methodology to assess such costs;

33. Welcomes the recent conference 'Beyond GDP' organised by the Commission, the European Parliament, the OECD, the WWF and the Club of Rome, and the major conclusions drawn; stresses the importance of complementing GDP by other indicators so as to assess welfare and progress in society in a more balanced way, in particular with regard to the effects of economic growth on the atmosphere and ecosystems;

34. Considers that MBIs can help promote research and eco-innovation since, through the taxation of non-environment-friendly products and services or the use of environmental standards, producers are induced to invest in research into more energy-efficient products and services;

⁽¹⁾ OJ L 283, 31.10.2003, p. 51.

Which instruments for which sector?

35. Recognises that in its current version the EU ETS has too narrow a field of application, given the numerous greenhouse gas (GHG) sources and sectors involved, and that the improvements needed in order to optimise the EU ETS will have to be made by the Commission and the Member States in the third stage of the project, starting in 2013;

36. Urges the Commission to strengthen the EU ETS by establishing a progressively tightening cap and extend it to all first-tier emitters as the main means of achieving the 2020 GHG reduction targets;

37. Stresses, therefore, the urgent need for a revision of the EU ETS in order to address effectively the shortcomings experienced during the trial period, including the windfall profits of companies due to the assets acquired from the allocation of CO₂ quotas free of charge (for instance the large electricity producers); emphasises that the strong endorsement of the polluter pays principle in the EU Sustainable Development Strategy implies that the EU ETS should be primarily based on auctioning of the emission permits and on a total emissions cap that is consistent with the EU 2020 reduction target of 30 %, including quantitative limits and qualitative requirements for the use of Clean Development Mechanism/Joint Implementation (CDM/JI) project credits;

38. Emphasises, in this respect, the importance of encouraging the development of the global carbon market in order to achieve the extensive emission cuts needed in a cost-effective manner;

39. Believes that an increased use of MBIs in the transport sector is particularly important in order to fully internalise the environmental and social cost of all transport modes; considers in particular the low degree of internalisation from road traffic as having adverse effects on the competitiveness of other modes of transport, such as rail, and in terms of promoting more efficient and clean technologies;

40. Welcomes the Commission's proposal to include aviation activities in the EU ETS, but considers that parallel and complementary measures, such as a kerosene tax and NO_x emission charges, are necessary in order to address the climate change impacts of the sector;

41. Calls urgently on the Commission to present by 2009 a legislative proposal for GHG reduction in the area of maritime transport, which is not currently subject to any Community or international legislation in this area;

42. Is of the opinion that energy taxation should remain a secondary and complementary GHG reduction tool only for emissions that cannot be influenced by the EU ETS directly or indirectly;

43. Points out that the transport and building sectors account for a large share of energy demand and CO₂ emissions not covered by the EU ETS;

44. Considers that the revision of the Energy Taxation Directive should be carried out rapidly and in conjunction with that on heavy goods vehicles ⁽¹⁾ (Eurovignette Directive) in order to avoid an overlap in measures designed to achieve the same objective and to change environmental taxation to bring about a rapid reorientation towards environment conscious behaviour in the various sectors of the economy, inter alia through internalisation of external costs;

45. Believes that application of the Eurovignette Directive should be made compulsory in all Member States and adapted in order to allow internalisation of external costs by charging for the use of infrastructure, particularly in road transport; considers that the scope of the Eurovignette Directive should be extended to the entire road network to stop traffic transferring to roads which are currently excluded;

⁽¹⁾ Council Directive 93/89/EEC of 25 October 1993 on the application by Member States of taxes on certain vehicles used for the carriage of goods by road and tolls and charges for the use of certain infrastructures (OJ L 279, 12.11.1993, p. 32).

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46. Stresses the need to apply better regulation principles to the use of MBIs and to avoid overlapping and complex instruments; supports the amendment of the Energy Taxation Directive in such a way as to ensure that participants in the EU ETS do not pay twice for their emissions, through both trading and taxation;

47. Considers that as part of the revision of the legislation on the taxation of energy products the minimum rate of taxes on transport for industrial or commercial purposes should be raised; supports the differentiation of taxation into an energy component and an environmental component based on the level of CO₂ emissions;

48. Calls on the Commission and the Member States to evaluate the derogations and exemptions contained in the Energy Taxation Directive and to consider which fossil fuel energy source should be tax exempt in future while respecting the scope and the spirit of the directive and avoiding duplicative burdens for operators following from the application of other tax or trading schemes;

49. Calls for greater use to be made of MBIs with a view to achieving, in the individual Member States and the EU, environmental policy objectives in general and the internalisation of external costs in particular; in that connection, however, care should be taken to ensure that the Member States' sovereignty in fiscal matters does not give rise to distortions of competition; proposes, for example, the use of more closely market-based instruments to promote energy efficiency and thermal insulation of buildings;

50. Calls on the Member States to strengthen their incentive policies for the building sector to facilitate a reduction in demand for energy and CO₂ emissions; stresses the importance of supporting the development of passive, positive energy housing;

51. Suggests that the funding of energy efficiency improvements in the housing sector and urban transport carbon use should be eligible for compensation under plans modelled on the Kyoto Protocol mechanisms which can provide financial incentives;

Specific instruments and sectors

52. Considers that reform of EHS must not be limited to the CAP; takes the view that in this area the transport sector, particularly road transport, requires specific, determined action; calls on the Commission rapidly to propose a roadmap for the gradual, but rapid, abolition of EHS in accordance with the European Council's decision on the review of the sustainable development strategy;

53. Agrees with the Commission that the removal of EHS constitutes an essential complementary measure for achieving sustainable development and, especially, the objectives endorsed by the EU Heads of State and Government as regards the integrated climate change and energy agenda;

54. Looks to the Commission, when it revises the Community guidelines on state aid for environmental protection, to take proper account of the need to influence production, traffic, transport and consumption patterns and to reduce waste;

55. Recalls the Community's waste legislation, but considers it regrettable that it fails to address the question of the volume of waste in the European Union; calls on the Commission and the Member States to think about a legislative framework for waste taxation designed to forestall the production of waste and reduce the level of waste generated in the EU in the medium term;

56. Welcomes the focus on MBIs for implementation of the Water Framework Directive (WFD) ⁽¹⁾ and considers it highly important to internalise the costs of groundwater extraction, water quality degradation and water utilities in the pricing of water; stresses that the WFD can serve as a reference for the definition of MBIs for the environment; urges the Commission to examine the implementation in the Member States and to use the WFD Common Implementation Strategy and Pilot River Basins to explore and promote best practices; urges the Member States to step up their efforts to implement the WFD correctly and, in particular, to guarantee that any consumption of water is subject to an economic assessment that includes the cost of using the resource and the environmental cost, with these criteria in particular being used as a basis for calculating water charges;

⁽¹⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

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57. Calls on the Commission and the Member States to put in place a system of taxes or charges designed to reduce the quantity of pesticides used and encourage the use of pesticides that are less toxic and less damaging to the environment and health;
58. Considers that the introduction of a reduced rate of VAT on environmentally friendly products must be subject to strict rules to ensure it is of genuine benefit to consumers, and must be accompanied by additional schemes such as eco-labelling to allow the creation of a system which enables products to be compared easily;
59. Recognises the difficulties in establishing MBIs for the purpose of increasing or maintaining biodiversity and ecosystem services and for addressing environmental problems of a local nature; calls on the Commission to continue to reflect on the issue of evaluating the costs of biodiversity loss and on the possible use of MBIs, being certain to bear in mind that safeguarding or improving biodiversity in one area must not lead to loss of biodiversity in another, because of the local impact this would have;
60. Notes with interest, in this connection, the emission trading schemes for NO_x and SO₂ put in place by some Member States, given that such schemes enable the problems posed by this type of atmospheric pollutant to be resolved in the most cost-effective way possible; stresses that any introduction of emission trading schemes for NO_x and SO₂ must take account of the local conditions in which such emissions take place and be restricted to precisely defined geographical areas;
61. Calls on the Commission to include among its initiatives the retention of the current mechanisms employed by the Member States to support the development of renewables; stresses that further assessments are necessary before providing financial incentives for biofuels in order to determine whether they are produced in an environmentally sustainable way;
62. Emphasises that MBIs should be so designed that they do not negatively affect the competitiveness of industries exposed to international competition, such as energy intensive industries, in order to avoid the loss of sales due to imports ('leakage') and the eventual relocation of production and consequently also of environmental impacts out of the European Union;
63. Calls on the Commission to carry out a feasibility study into the introduction of a 'CO₂ card' for individuals and SMEs, on which their energy consumption and the level of greenhouse gases emitted would be recorded;
64. Welcomes the emergence of financial instruments in addition to taxation and emission trading schemes, notably the increasing availability of green/ethical investments, such as green bonds, offering greater awareness and creating a market choice for investors;
65. Recognises the supportive role of venture capital and private equity firms in investing in the low carbon technology field;

The international dimension

66. Observes that European economies account for over 35 % of the world market for traded environmental goods and that European companies are therefore well placed to take advantage of a global green economy, and that this offsets at least part of the impact on GDP;
67. Supports the consideration of a border adjustment instrument for the purpose of, inter alia, avoiding possible 'carbon leaks', which could undermine the obligation to reduce CO₂ emissions, and maintaining the Union's economic competitiveness; calls on the Commission to make use of studies carried out in a number of Member States to draw up a report for the European Parliament on the possible adoption of such an instrument; stresses however that border adjustment measures should only be implemented if and when efforts to reach agreement on mandatory CO₂ reductions at international level fail;

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68. Considers that in order to be internationally acceptable, such an instrument would need to take account of best available techniques and be favourable to third countries, particularly developing countries;

69. Recognises that binding international benchmarks and commitments covering all sectors that are vulnerable to competition would be preferable to the possible adoption of border tax adjustments to offset distortions among trading partners;

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

International Financial Reporting Standards and the governance of the IASB

P6_TA(2008)0183

European Parliament resolution of 24 April 2008 on International Financial Reporting Standards (IFRS) and the Governance of the International Accounting Standards Board (IASB) (2006/2248(INI))

(2009/C 259 E/17)

The European Parliament,

- having regard to Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards ⁽¹⁾,
- having regard to its resolution of 4 July 2006 on recent developments and prospects in relation to company law ⁽²⁾,
- having regard to the first report of the Commission to the European Securities Committee (ESC) and to the Parliament on convergence between the international financial reporting standards and third countries' national Generally Accepted Accounting Principles (GAAPs),
- having regard to the Commission services working paper on governance developments in the IASB (International Accounting Standards Board) and IASCF (International Accounting Standards Committee Foundation) of July 2007,
- having regard to the Council conclusions of 10 July 2007 on governance and financing of the IASB and of 11 July 2006 concerning the Funding of the International Accounting Standards Board,
- having regard to the ECB report of 19 December 2006, entitled 'Assessment of accounting standards from a financial stability perspective',
- having regard to the letter of the European Financial Reporting Advisory Group (EFRAG) to the IASB on the exposure draft international financial reporting standard for small and medium-sized entities (IFRS for SMEs),
- having regard to the letters of 3 October 2007 from the chairperson of its Committee on Economic and Monetary Affairs to the Commission in response to the US Securities and Exchange Commission (SEC) consultation, and to the chairpersons of the corresponding committees in the US Congress,

⁽¹⁾ OJ L 243, 11.9.2002, p. 1.

⁽²⁾ OJ C 303 E, 13.12.2006, p. 114.

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- having regard to the statement by of the Commission, the Financial Services Agency of Japan, the International Organization of Securities Commissions (IOSCO) and the SEC of 7 November 2007 on work to enhance the governance of the IASCF,
 - having regard to the SEC decision of 21 December 2007 on IFRS for foreign issuers,
 - having regard to the Fourth Council Directive 78/660/EEC of 25 July 1978 based on Article 54(3)(g) of the Treaty on the annual accounts of certain types of companies ⁽¹⁾ and the Seventh Council Directive 83/349/EEC of 13 June 1983 based on Article 54(3)(g) of the Treaty on consolidated accounts ⁽²⁾ (Fourth and Seventh Company Law Directives),
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on Legal Affairs (A6-0032/2008),
- A. whereas the IFRS concept was set up with the aim of achieving real global financial reporting standards worldwide for publicly traded companies,
- B. whereas since January 2005 publicly traded companies in the European Union have been obliged to use international accounting standards for their consolidated financial statements,
- C. whereas under Regulation (EC) No 1606/2002, the IASCF/IASB was in effect given the status of a law-maker,
- D. reaffirming its position as stated in paragraphs 37 to 39 of its abovementioned resolution of 4 July 2006 on recent developments and prospects in relation to company law,
- E. whereas the European Union, since taking on the IFRS, has gained insight and expertise that must be used when discussing the further development of the IASCF/IASB; whereas jurisdictions that have not abandoned their own accounting standards but have merely embarked on convergence processes may not have the same expertise or experience,
- F. whereas the fact that 17 months elapsed before the appointment of the new chairperson of the IASCF raises a question about the effectiveness of the current selection and appointment process for members of that body,
- G. whereas the European Union should move away from a reactive towards a proactive attitude in its relations with the IASCF/IASB,
- H. whereas the sub-prime crisis of summer 2007 highlighted the importance of accounting standards, and, in particular, the notions of 'fair value' and 'market-to-market', for financial stability,

Transparent, responsible international organisations

1. Is firmly convinced that high-quality global accounting standards must be developed;
2. Notes that the IASCF is a private self-regulatory body which has been given the role of lawmaker in the European Union by virtue of Regulation (EC) No 1606/2002; acknowledges some concerns about the fact that the IASCF/IASB may lack transparency and accountability as a consequence of not being under the control of any democratically elected government, the EU institutions not having established the accompanying procedures and practices as regards consultation and democratic decision-making that are usual in their own legislative procedures; welcomes, however, the fact that the IASCF/IASB have sought to improve those deficiencies, through, inter alia, biannual meetings at which the IASCF reviews the IASB's work, impact assessments for new standards and the introduction of formalised feedback statements for comments received in public consultations;

⁽¹⁾ OJ L 222, 14.8.1978, p. 11.

⁽²⁾ OJ L 193, 18.7.1983, p. 1.

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3. Considers that, lacking satisfactory solutions to problems regarding the establishment and oversight of the IASCF/IASB, a debate should be launched on the conditions for integrating the IASCF/IASB into the system of international governance, for example with the International Monetary Fund, the Organisation for Economic Cooperation and Development and the World Bank;
4. Stresses the need for more representatives with a European background within the international standard-setting bodies, in order to legitimate a truly international approach and meet the need for a balanced consideration of the weight of the European Union, constituting, as it does, by far the largest economic area, with the most entities applying the IFRS; believes that all board members/trustees of the IASCF/IASB should come from nations that have signed up, or intend to sign up, to the IFRS; supports incorporating a provision for a minimum geographical balance in the IASCF constitution, as proposed by the trustees;
5. Notes the increasingly theoretical dimension of IASB projects, the complexity and theoretical nature of which are such that small and medium-sized enterprises (SMEs), in particular, are not always able to follow them;
6. Notes that some practical business aspects are not adequately reflected by the IASB; considers that, from a user's perspective, it is important that the financial statement presentation for accounting lend itself to other uses, e.g. for the purposes of providing financial information to investors, performance monitoring or financial management;
7. Supports an open and ongoing debate about accountancy standards; to this end, believes that the IASB should strengthen its due process as regards stakeholders so that the views of all IFRS users and investors are taken into account;
8. Takes the view, however, that governance and accountability must be improved through the following measures:
 - (a) setting up a public oversight body involving all IASCF/IASB public stakeholders including, in particular, legislators and supervisors; and setting up a body allowing representative market participants, including preparers and users from jurisdictions where IFRS are mandatory, to deliver annually a report on the functioning of international accounting standard setting to the governing bodies of the IASCF/IASB;
 - (b) such an oversight body could be responsible for selecting and appointing the trustees in a transparent procedure ensuring both the competences of the candidates and a balanced geographical representation of all stakeholders; this would help make the appointment procedure more transparent and significantly enhance the legitimacy of the trustees;
 - (c) guaranteeing that the composition of the IASB, the Standards Advisory Council (SAC) and the International Financial Reporting Interpretations Committee is improved and that the trustees ensure that the appointment procedure is transparent and due account is taken of the interests of various interest groups;
 - (d) increasing the involvement of the trustees in supervising the IASB and its work plan, in particular as regards the way in which the work plan is drawn up and mandates are granted to the IASB;
 - (e) ensuring that the IASCF constitution provides for the IASB to develop accounting solutions that are not only technically correct but also reflect what is necessary and possible from the point of view of all users (investors and supervisors) and preparers; and
 - (f) carrying out impact assessments for all projects, so as to check the costs and benefits (including those for user firms) of draft texts and, in particular, to highlight the implications for financial stability;
9. Notes that in the abovementioned statement of 7 November 2007, the Commission seeks — as it did when it concluded a roadmap with the US authorities in April 2006 — to pre-empt solutions where it would be preferable, in the interests of effectiveness and legitimacy, to conduct an open consultation process and debate, to which this resolution could be a contribution;

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10. Urges that improvements to accountability and governance of the IASCF/IASB must not create excessive bureaucracy and must ensure that technical issues are not unnecessarily politicised;
11. Considers that, before embarking on the development of a standard, the IASB must take account of actual needs and of the relevant information which users (auditors, investors and supervisors) consider that they require;
12. Urges the IASB, before adopting a new standard, to carry out impact studies on all interested parties, taking account of regional diversity and market structures; welcomes the announcement of the IASCF trustees that they will refer to post-implementation reviews and feedback statements in their 2007 annual report;
13. Asks that accounting standards be drafted or modified only when a clear and beneficial need has been established, and after a thorough preliminary consultation process has been conducted;
14. Considers that, in this field, the Commission's right of initiative should be combined with an appropriate prior consultation process;
15. Agrees with the Council that the measures decided on to improve the IASB governance structure must be implemented in accordance with an appropriate work plan; is of the opinion that the same considerations should apply to any measures proposed by Parliament;
16. Considers that Parliament should be seriously consulted in good time about the work plan and the setting of priorities and direction of new standard setting projects; calls in this regard for an early-phase consultation of Parliament;
17. Takes the view that the funding structure of the IASCF/IASB, which is currently largely based on voluntary contributions, inter alia from undertakings and audit firms, raises questions; calls on the IASCF/IASB in this context to examine how the funding system could be amended to ensure, first, that all user groups are adequately involved in funding, second, that no conflict of interests arises between financiers and users, and third, that there is universal access to the accounting standards; calls on the Commission to examine whether and under what conditions it might consider contributing to that funding;
18. Takes the view that transparent and stable funding of the IASCF/IASB is of crucial importance; asks the Commission to consider whether and how a uniform EU funding method could be constructed;

Implementation of IFRS in the European Union

19. Considers it essential that the Community express itself more coherently to ensure it has maximum influence at all stages of the process of drafting, interpreting and implementing accounting standards;
20. Notes the contribution that IFRS have made by ensuring that financial statements are more comparable across countries, across competitors within the same industrial sector and across industrial sectors;
21. Notes the merits of the IFRS, which do not just concern technical accounting aspects but also bring benefits to capital markets and to the European Union as a world leader;
22. Notes that the Roundtable for the consistent application of the IFRS in the European Union ⁽¹⁾, launched by the Commission in 2004 at the beginning of the current legislative period, did not live up to expectations about its ability to give clear expression to the EU point of view and interests;
23. Stresses that consistency in adoption and application is essential to the success of the IFRS, but recalls that these are principle-based standards and that, therefore, consistency should not be pursued to the detriment of professional judgement;

⁽¹⁾ The Roundtable comprises representatives of the IASB, the Committee of European Securities Regulators, the EFRAG, the *Fédération des Experts Comptables Européens*, *BusinessEurope*, auditing firms and the Commission; it is a forum for discussions of key issues without in any way providing interpretations of existing standards.

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24. Agrees with the Council on the point that the conclusions of the abovementioned Roundtable must be taken into account to a much greater extent in the IASB work on standards;
25. Notes that there are numerous players involved in the Community endorsement procedure; points out, in particular, that the Commission receives input from a number of players whose competences clearly overlap; points out that that overlap offers potential for enhancing efficiency and transparency;
26. Considers that the forums in which the Community is able to make known its views (the Accounting Regulatory Committee or the EFRAG) do not allow it to interact on an equal footing with states that have structures founded on the centralised powers of regulators and supervisors (such as the Financial Accounting Standards Board and SEC in the USA or the Accounting Standards Board and Financial Services Agency in Japan);
27. Takes the view that creating a more streamlined EU structure, taking into account national structures for accounting issues, could, especially if, where appropriate, some existing bodies were abolished, contribute to simplification and thereby also strengthen the role that the European Union should play at global level; calls on the Commission to develop and put forward a proposal, in consultation with Parliament, the Member States and Committee of European Securities Regulators to establish an EU structure constituting a legitimate international partner and guaranteeing uniform interpretation and application of standards;
28. Expresses satisfaction with the way in which it has exercised its authority in this field and points out that, within the framework of the revised comitology procedure, Parliament will be even more involved in the development and endorsement of the IFRS; notes, however, that Parliament is formally involved only in the last phase of the endorsement procedure; calls for a guarantee, as a time-saving measure, that Parliament will already be *seriously* consulted in the procedure when the IASB work programme is drawn up and a draft new accounting standard is considered, in order to avoid the emergence of an EU-specific version of the IFRS or the need for subsequent modifications;
29. Believes that it would be detrimental to EU publicly traded companies if carve-outs from the IFRS are used other than as a last resort;
30. Takes the view that particular attention should be paid to at least the following:
- (a) IASB framework (conceptual basis of the work of the IASB): points out that financial statements are drawn up not only for capital market investors but also for a range of other players, such as, inter alia, creditors, employees, public authorities, owners and customers;
 - (b) IAS/IFRS branding (presentation of financial statements): points out that the IASB should achieve solutions that take account of the needs of the various jurisdictions which have made IFRS mandatory;
 - (c) IAS 32 and IAS 39: calls on the IASB to incorporate in IAS 32 a definition of 'own funds', which will enable all forms of company, including, in particular, cooperative societies and partnerships, to declare capital provided by shareholders as own funds in the balance sheet, and to adopt a solution for hedge accounting based on the actual risk management practices of banking organisations;
 - (d) business combinations (accounting for acquisition of another business): points out that the IASB should draw up solutions regarding the scope of application of the fair-value principle;
 - (e) fair-value measurement: is of the view that the IASB should take its decision on the basis of the outcome of the consultations and, given the apparent impact of such a process limit the scope of the fair-value principle;
 - (f) service concessions (agreements under which an entity — the concession operator, by way of contract with a concession provider, which is usually a government — receives a right and incurs an obligation to provide public services): points out that balanced solutions must be found; and
 - (g) performance reporting (display and presentation of all recognised changes in assets and liabilities from transactions or other events except those related to transactions with owners): points out that balanced solutions must be found.

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31. Takes the view that the application of the fair-value principle can be costly for companies and can lead to unrealistic valuations: for example, in the absence of an assessment by actual markets, the application of the fair-value principle may not be indicative of the true value of companies; considers, moreover, that account must be taken of the fact that the application of the fair-value principle to financial assets and liabilities does not always produce realistic valuations;

32. Considers, in view of the potential links between the IFRS and taxation, that the drafting, entry into force and interpretation of these standards could have an immense impact on the Member States;

33. Welcomes the practice, developed since the beginning of this legislative period by its Committee on Economic and Monetary Affairs, of holding an annual hearing with the Chairperson of the IASB and informal meetings with members of the IASCF, and calls, in future, for the chairpersons of the IASB and the IASCF to address an annual report to Parliament on all matters relevant to Parliament (including their work programme, staff decisions, funding and any controversial standards);

34. Expresses concern, while supporting the intention of the IASB to improve existing standards, about the fact that making continual adjustments, and even small changes, can be costly and result in expensive changes for large companies; believes that any changes should happen only when they are deemed necessary following a cost-benefit analysis;

IFRS for SMEs

35. Notes that the IASB is carrying out broad-based consultation and field tests as regards its exposure draft IFRS for SMEs; requests that, in future, more serious attention be paid to the results obtained from such consultations and field testing than has been the case with the exposure draft IFRS for SMEs; underlines that this is necessary if the European Union should ever begin considering taking account of the IFRS for SMEs or adopting EU standards for SMEs with the aim of converging these with the IFRS for SMEs;

36. Considers that there is a widely shared view among SMEs that the IFRS for SMEs proposed by the IASB is far too complicated for them and, in addition, refers in many places to the full IFRS; takes the view that the obligations regarding appendices are too comprehensive and that the burden in relation to the requirement to provide information is disproportionate to any benefits arising therefrom; is concerned that the draft was designed with relatively large SMEs (of over fifty employees) in mind and asserts that most SMEs are smaller in size; notes that SMEs are also concerned that the IASB intends to change the standard every two years; nevertheless, notes it could be a useful optional transition for larger, expanding SMEs, but underlines that this must not be a way station on the road to enforced harmonisation;

37. Takes the view that promoting (or encouraging) the voluntary use of the IFRS is not without risks; takes the view that, should a few Member States decide to apply the final IFRS for SMEs in the form decided by the IASB, that could lead to the fragmentation of the internal market and could even prejudice accounting for SMEs across the entire European Union;

38. Underlines that no political mandate has been conferred on the IASB to develop an IFRS for SMEs; notes that the endorsement procedure applies only to international accounting standards and interpretations for publicly traded companies; notes further that the endorsement procedure may not be used for the recognition of the IFRS for SMEs;

39. Would propose to assess first whether SMEs in the European Union will derive any benefits from a standard developed by the IASB; notes that, generally, the IASB considers itself as a standard setter in the interest of capital market investors; acknowledges that the IASB confirms in its 'basis for conclusions' that SMEs face different requirements to those for capital market investors; questions whether the balance relating to SMEs is currently sufficient in the IASB; acknowledges though that from other parts of the world there may be a request to develop a standard for SMEs and proposes that a more precise assessment of that demand be made; underlines that this is without prejudice to the EU acceptance of a subsequent standard;

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40. Points out that the Fourth and Seventh Company Law Directives provide the legal framework for the annual accounts of SMEs in the European Union and that the question how the IFRS for SMEs, as proposed by the IASB, relates to the Fourth and Seventh Company Law Directives remains to be clarified; considers that the Fourth and Seventh Company Law Directives could be the basis for accounting requirements for EU SMEs, including partnerships;

41. Considers that the European Union should carefully assess the respective benefits of committing to an IFRS for SMEs or developing its own independent and comprehensive solution for SMEs; takes the view, furthermore, that any such an EU solution could fit into the IFRS conceptual framework without requiring SMEs to use the full IFRS;

42. Takes the view that accounting requirements for SMEs in the European Union must be tailored to the needs of users; advises, against this background, that user needs be analysed in detail once again;

43. In the light of the foregoing, encourages the Commission to continue its activities with regard to the simplification of company law, accounting and auditing for SMEs via the relevant legislative acts, in particular the Fourth and Seventh Company Law Directives;

44. Points out that accounting rules exert a very strong influence on the whole field of commercial law, and that a new IFRS for SMEs will have a wide-ranging effect on SMEs and that, in particular, it would have a major impact in practice on national legislation concerning company taxation; notes that an IFRS for SMEs based on the fair-value principle runs counter to the principle of capital maintenance which predominates in other jurisdictions, and is not always in the best (tax) interests of SMEs;

45. Takes the view that an IFRS for SMEs must take into consideration the fact that there are different forms of undertaking in the European Union (such as partnerships and cooperatives); believes, therefore, that such an IFRS must contain a clear definition of 'own funds', which takes account of the particular needs of SMEs;

46. Regrets that the draft IFRS for SMEs does not take adequate account of the fact that the addressees of SMEs' accounts are mainly personal shareholders, creditors, business partners and employees rather than anonymous investors, as in the case of public companies, and that those addressees are interested in a long-term business relationship rather than a short-term investment;

47. Calls on the Commission to arrange a thorough consultation procedure concerning an accounting framework for SMEs in the European Union along the lines of ordinary legislative proposals, and to withdraw its commitment to implementing and adopting an IFRS for SMEs, thus preventing parallel application of standards in the European Union, for so long as the EU internal process has not been concluded; encourages the Commission to consider the opportunity for reduction of administrative burden for SMEs in the field of accounting and auditing;

48. Acknowledges, however, that there is an overall need for simplification of accounting and auditing measures for SMEs, while recalling that SMEs are creators of jobs and a motor of economic growth;

Road map for convergence and equivalence

49. Recalls that the ultimate aim of all international stakeholders must be the adoption of the IFRS; acknowledges the tension between the intention of achieving maximum convergence and the desire to preserve the European Union's full competence to deviate from the consensus that is globally achievable; emphasises that deviations from global standards should be restricted to the minimum necessary both in the European Union and in other parts of the world; takes the view that third countries should deal with the European Union as a single entity and not treat the 27 Member States differently and that the ongoing processes of convergence with existing systems can only be accepted as intermediate stages;

50. Notes the importance and desirability of the establishment of global standards and convergence and recognises that global convergence of accounting standards is proceeding at an ever-increasing pace;

51. Supports the idea of convergence and equivalence; emphasises, however, that convergence with certain third-country standards must be based on a prior assessment of the merits and impact of such a change on EU preparers and users of financial statements and especially on SMEs, and calls on the IASB to bear this in mind when proceeding;

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52. Notes that the work on convergence is progressing, and anticipates the danger that mainly large third countries' economic and company law frameworks are likely to be taken into account in this process, while EU frameworks play a lesser role;

53. Notes that on 20 June 2007 the SEC submitted a proposal to the effect that financial statements by foreign issuers should be approved without reconciliation being required, provided that they had been prepared on the basis of the English version of the IFRS adopted by the IASB; stresses that the objective is that the IFRS incorporated by the European Union into existing law be recognised by the SEC;

54. Welcomes the progress made in the EU-US Accounting Roadmap and the recent announcement from the SEC to allow foreign private issuers to submit financial statements in accordance with the IFRS without reconciliation to US GAAP; supports the approach outlined by the Commission in its letter to the SEC of 26 September 2007;

55. Recalls that the European Union's determination to require all publicly traded companies to use the IFRS in their consolidated financial statements from the beginning of 2005 was a key element in the increased global interest in the IFRS;

56. Recalls that on 30 April 2007 the Presidents of the USA, the President-in-Office of the European Council and the President of the European Commission signed a Joint EU-US statement following their annual summit, which, on the issue of financial reporting, states: 'Financial markets. Promote and seek to ensure conditions for the US Generally Accepted Accounting Principles and International Financial Reporting Standards to be recognised in both jurisdictions without the need for reconciliation by 2009 or possibly sooner';

57. Recalls the outstanding issue concerning the competence of the different jurisdictions applying the IFRS for establishing the definitive interpretation thereof, which entails the risk that conflicting interpretations will result; points out that only European authorities and courts are competent definitively to interpret an EU-specific IFRS and calls on the Commission to ensure that that remains the case; considers that the Commission, working together with the Member States and Parliament, must develop a system that will guarantee that the IFRS is interpreted and applied uniformly throughout the European Union;

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58. Instructs its President to forward this resolution to the Council, the Commission, the Committee of European Securities Regulators, the International Accounting Standards Committee Foundation and International Accounting Standards Board.

Zimbabwe

P6_TA(2008)0184

European Parliament resolution of 24 April 2008 on Zimbabwe

(2009/C 259 E/18)

The European Parliament,

— having regard to its resolutions on Zimbabwe of 16 December 2004 ⁽¹⁾, 7 July 2005 ⁽²⁾, 7 September 2006 ⁽³⁾ and 26 April 2007 ⁽⁴⁾,

⁽¹⁾ OJ C 226 E, 15.9.2005, p. 358.

⁽²⁾ OJ C 157 E, 6.7.2006, p. 491.

⁽³⁾ OJ C 305 E, 14.12.2006, p. 263.

⁽⁴⁾ OJ C 74 E, 20.3.2008, p. 791.

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- having regard to Council Common Position 2008/135/CFSP of 18 February 2008 ⁽¹⁾ renewing until 20 February 2009 the restrictive measures against Zimbabwe imposed under Common Position 2004/161/CFSP,
 - having regard to the emergency Southern African Development Community (SADC) summit held on 12 April 2008 in Lusaka,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas elections to the House of Assembly of Zimbabwe, the Senate of Zimbabwe, the Presidency, and the organs of local government took place on 29 March 2008,
- B. whereas the results of the presidential elections have yet to be declared, and the results of the elections to the Parliament of Zimbabwe have yet to be fully declared,
- C. whereas on 14 April 2008 Zimbabwe's High Court rejected an urgent application by the opposition group Movement for Democratic Change for the Zimbabwe Electoral Commission to declare the results of the presidential elections,
- D. whereas on 12 April 2008 the Zimbabwe Electoral Commission announced that it would hold a recount in 23 presidential election constituencies where the result had been challenged by the ruling party, Zanu-PF,
- E. whereas, on the occasion of the abovementioned SADC Summit in Lusaka, UN Secretary-General Ban Ki-moon called for the presidential election results to be released as soon as possible, warning that the very concept of democracy in Africa was at risk,
- F. whereas the SADC has demanded the expeditious verification and release of the results of the elections, in accordance with due process of law,
- G. whereas the regime has again reacted with violence against the opposition,
1. Insists that the democratic wishes of the Zimbabwean people be respected; urges all those who wish to participate in the future of Zimbabwe to cooperate with the forces of democratic change;
 2. Calls on the Zimbabwean Electoral Commission immediately to release all the original election results, as the delays are now causing anxiety and speculation that is detrimental to peace, political stability and Zimbabwe's democratic prospects;
 3. Commends the tremendous work done by the Zimbabwe Election Support Network, a non-governmental organisation, in deploying thousands of observers across the country and publishing their poll projections;
 4. Strongly encourages the Zimbabwean Government to honour its own commitments to democratic principles, human rights and the rule of law as a signatory to the SADC Treaty and the Protocols thereto, the Constitutive Act of the African Union, the African Charter on Human and Peoples' Rights and the New Partnership for Africa's Development;
 5. Commends the SADC for convening its emergency summit on 12 April 2008 and welcomes the communiqué issued by the summit leaders, in which they call for the expeditious release of the results of the presidential elections;
 6. Welcomes the recent acknowledgement by South Africa's ruling African National Congress party that Zimbabwe has now entered a 'state of crisis' and trusts that this will lead to positive action;
 7. Urgently calls on the African Union to use its good offices to help bring about a rapid and positive solution to the Zimbabwe crisis;

⁽¹⁾ OJ L 43, 19.2.2008, p. 39.

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8. Strongly condemns the post-electoral political violence and human rights violations targeting supporters of opposition parties;
9. Deplores the arrest of almost a dozen foreign journalists in recent weeks and calls for the immediate lifting of all restrictions on freedom of the press and assembly, and for unfettered access to Zimbabwe for foreign news agencies; calls in addition for the immediate release of the 36 citizens arrested in the course of a peaceful protest against the delayed publication of the results;
10. Commends the South African dockworkers for refusing to unload arms from the Chinese cargo ship *An Yue Jiang* which were bound for Zimbabwe's security forces; calls on all SADC countries to refuse unloading of the *An Yue Jiang*'s cargo at any of their ports;
11. Calls on the Chinese Government to cease arms exports to Zimbabwe and to order the immediate return of the *An Yue Jiang* to Chinese waters;
12. Calls on the Council to ensure that all Member States rigorously apply existing restrictive measures;
13. Calls on the Council and the Commission to accelerate preparation of the package of measures, including urgent economic assistance, that will be put in place as soon as the democratic transformation in Zimbabwe has taken place, and to coordinate such measures with the wider international community;
14. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the governments of the G8 countries, the governments and parliaments of Zimbabwe and South Africa, the Secretary-General of the Commonwealth, the Secretary-General of the United Nations, the Chairmen of the Commission and Executive Council of the African Union, the Pan-African Parliament, and the Secretary-General and governments of the Southern African Development Community.

Women's rights in Iran

P6_TA(2008)0185

European Parliament resolution of 24 April 2008 on women's rights in Iran

(2009/C 259 E/19)

The European Parliament,

- having regard to the Council Declaration of 25 February 2008 on the legislative proposal on criminal law in Iran,
- having regard to its previous resolutions on Iran, notably those concerning human rights and, in particular, those of 25 October 2007 ⁽¹⁾ and 31 January 2008 ⁽²⁾,
- having regard to the report ⁽³⁾ by its Committee on Foreign Affairs on the EU's Annual Report on Human Rights in the World and the EU's policy on the matter,

⁽¹⁾ Texts Adopted, P6_TA(2007)0488.

⁽²⁾ Texts Adopted, P6_TA(2008)0031.

⁽³⁾ A6-0153/2008.

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- having regard to the resolutions of the General Assembly of the United Nations (UN), and, in particular, Resolution 62/168 of 18 December 2007 on the situation of human rights in the Islamic Republic of Iran and Resolution 62/149 of 18 December 2007 on a moratorium on the use of the death penalty,
 - having regard to the UN Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of all Forms of Racial Discrimination and the Convention on the Rights of the Child, to all of which Iran is a party,
 - having regard to the 2nd inter-parliamentary meeting between the European Parliament and the Majlis (the Islamic consultative assembly) of the Islamic Republic of Iran, held in Tehran on 7 to 9 December 2007, and the report thereon,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas since the launch of the One Million Signature Campaign for legal equality between men and women in Iran on 27 August 2006, over 70 activists have been arrested or are otherwise facing persecution because of their peaceful efforts to lobby for legislative change; whereas the Campaign's website has been blocked on numerous occasions by the Iranian authorities,
- B. whereas women's rights activists in Iran face growing repression, more than a hundred of them having been arrested, interrogated or sentenced in the last two years, while the Iranian government has raised over EUR 1 million in bail; whereas newspapers, magazines and broadcasters promoting women's rights have been closed down, including the most prominent magazine advocating women's rights, Zanan, which existed for over 17 years before being closed down on 28 January 2008,
- C. whereas a prominent member of the Campaign, women's rights and environmental activist Khadijeh Moghaddam, was arrested on 8 April 2008 and was released only recently after a high bail payment of IRR 1 billion (approximately EUR 50 000),
- D. whereas the general human rights situation in Iran has continued to deteriorate since 2005, and whereas executions alone almost doubled in 2007, making Iran the country with the highest per capita rate of execution after Saudi Arabia, with Iran and Saudi Arabia, together with Yemen, being the only three countries where executions are carried out for crimes committed by people below the age of 18,
- E. whereas at least ten women — Iran, Khayrieh, Kobra N., Fatemeh, Ashraf Kalhori, Shamameh Ghorbani, Leyla Ghomi, Hajar and the sisters Zohreh and Azar Kabiriniat — are still at risk of being stoned to death, as are two men — Abdollah Farivar and an unnamed Afghan national,
- F. whereas Mokarrameh Ebrahimi was sentenced to death by stoning, together with her partner, the father of her children, for the simple reason of having maintained an extra-matrimonial relationship — conduct which does not constitute a crime by international legal standards; whereas Mokarrameh Ebrahimi was pardoned by Supreme Leader Ayatollah Ali Khamenei after 11 years of imprisonment and released on 17 March 2008, together with her 5-year-old younger son, but, tragically, only after her partner Ja'Far Kiani had been stoned to death in July 2007,
- G. whereas in an important move, the head of the judiciary, Ayatollah Seyyed Mahmoud Hashemi Shahroudi, recently overturned the murder conviction of Shahla Jahed, a 'temporary wife', after finding 'procedural flaws' in the original investigation, which had found her guilty of murdering her temporary husband's permanent wife,
- H. whereas there have been some improvements as regards women's rights in recent years, notably: the minimum age of marriage for girls has increased from 9 to 13, divorced mothers may retain custody of their sons up to age seven (previously they were permitted to do so only until their sons were two years old), and women can now be judicial advisers, seek divorce and refuse to let their husband take a second wife,

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- I. whereas, however, a draft bill on 'family protection' has recently been submitted in the Iranian Majlis which attempts further to legitimise polygamy, temporary marriage and the unilateral and arbitrary right of men to divorce and obtain child custody,
- J. whereas Iran is still not a party to the Convention on the Elimination of All Forms of Discrimination against Women,
1. Welcomes the release of Khadijeh Moghaddam and Mokarrameh Ebrahimi, and notes the roles of the Iranian Supreme Leader and head of the judiciary in those cases; calls for the release of Shahla Jahed;
 2. Strongly condemns the repression of civil society movements in Iran, including women's rights defenders such as those involved in the Campaign; urges the Iranian authorities to end the harassment, intimidation and persecution of people peacefully exercising their right to freedom of expression, association and assembly, and to release immediately and unconditionally all prisoners of conscience; recalls its resolutions of 25 October 2007 and 31 January 2008;
 3. Acknowledges the active and important role that women play in Iranian society, despite great and persisting legal inequalities, which can be a source of inspiration and hope for women in other countries of the region;
 4. Calls on the Iranian Parliament and Government to change the discriminatory Iranian legislation which, inter alia, excludes women from the most senior state offices and appointment as judges, denies them equal rights with men in marriage, divorce, child custody and inheritance, and determines that any evidence they give before a court carries only half the weight of that given by a man; considers that under certain circumstances that inequality may contribute to violent crimes committed by women;
 5. Reiterates its strong condemnation of the death penalty in general; calls for an immediate moratorium on executions in Iran and is appalled that Iran continues to have the highest number of executions of child offenders in the world and that the moratorium on stoning is still not fully implemented;
 6. Notes the directives recently issued by head of judiciary Sharoudi on banning public executions without prior consent and detentions for long periods without charge;
 7. Calls on the members of the newly elected Majlis speedily to pass the pending reform of the Iranian penal code, with the aim, notably, of abolishing stoning and executions of child offenders, to move towards a moratorium on the death penalty, to bring Iranian legislation into line with international human rights obligations and to ratify the Convention on the Elimination of All Forms of Discrimination against Women;
 8. Calls on the Council and the Commission to monitor closely the human rights situation in Iran, to raise concrete cases of human rights abuses in Iran with the authorities and to submit to Parliament, in the second half of 2008, a comprehensive report on the matter, including proposals for projects that could be financed in the framework of the Financing Instrument for the Promotion of Democracy and Human Rights worldwide ⁽¹⁾ of the EU;
 9. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Common Foreign and Security Policy, the governments and parliaments of the Member States, the UN Secretary-General, the UN Security Council, the UN Human Rights Council, the Head of the Judiciary of Iran and the Government and Parliament of the Islamic Republic of Iran.

⁽¹⁾ OJ L 386, 29.12.2006, p. 1.

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Chad

P6_TA(2008)0186

European Parliament resolution of 24 April 2008 on the situation in Chad

(2009/C 259 E/20)

The European Parliament,

- having regard to the European Parliament resolutions of 27 September 2007 on the ESDP operation in Chad and the Central African Republic ⁽¹⁾ and 13 December 2007 on eastern Chad ⁽²⁾,
 - having regard to the Council Decision 2008/101/CFSP of 28 January 2008 on the launching of the European Union military operation in the Republic of Chad and in the Central African Republic (Operation EUFOR Tchad/RCA) ⁽³⁾,
 - having regard to UN Security Council Resolution 1778(2007) of 25 September 2007, which provides for the deployment of a multidimensional international presence in eastern Chad and the north-eastern Central African Republic (CAR) including the ESDP mission EUFOR TCHAD/RCA,
 - having regard to UN Security Council Resolution 1769(2007) of 31 July 2007 establishing, for an initial period of twelve months, an African Union/United Nations (AU/UN) hybrid operation in Darfur (UNAMID),
 - having regard to the political agreement signed between the Chadian Presidency and the unarmed opposition in N'Djamena on 13 August 2007, with a view to the reinforcement of the democratic process in Chad by all relevant Chadian political parties in the majority and in the opposition and to preparations for legislative elections scheduled for 2009,
 - having regard to the non-aggression agreement signed on 13 March 2008 in Dakar between the Heads of State of Chad and of Sudan on the fringes of the Summit of the Organisation of the Islamic Conference and under the auspices of President Abdoulaye Wade (Senegal) and President Omar Bongo (Gabon),
 - having regard to the Cotonou ACP-EU Partnership Agreement ⁽⁴⁾, and in particular the chapter on humanitarian and emergency assistance,
 - having regard to the international conventions and instruments on human rights,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. concerned that since 3 February 2008 there has been no news of Ibni Oumar Mahamat Saleh, spokesman for the Coalition of political Parties of the democratic opposition, or of other political prisoners,
- B. worried by the arrest of ordinary supporters of opposition parties and leaders following the rebels' attempt to overthrow President Idriss Déby Itno in February 2008,
- C. whereas President Déby has used the current conflict with the armed opposition as a cover for arresting peaceful civil opposition leaders,
- D. whereas the security forces of Chad have been guilty of extrajudicial killings, torture and arbitrary arrest with impunity, and human rights defenders and journalists have continued to be at risk of detention, unfair trial and imprisonment in violation of the right to freedom of expression,

⁽¹⁾ Texts Adopted, P6_TA(2007)0419.

⁽²⁾ Texts Adopted, P6_TA(2007)0630.

⁽³⁾ OJ L 34, 8.2.2008, p. 39.

⁽⁴⁾ OJ L 317, 15.12.2000, p. 3.

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- E. whereas the Chadian President has taken advantage of the state of emergency to repeal, by order, the 1994 law on freedom of the press, and whereas international press correspondents face major difficulties in fulfilling their duty to inform,
- F. whereas the presidential decree establishing the commission of inquiry into the events of 2 and 3 February 2008 has not guaranteed the commission's independence,
- G. concerned at the security situation in the eastern part of Chad, which has deteriorated since 2006 as a result of clashes between Chadian security forces and Chadian rebels, and incursions of Janjaweed militias and armed groups from Sudan, to which banditry and attacks on humanitarian organisations must be added,
- H. whereas the solution to this crisis requires addressing its root causes in an all-inclusive political reconciliation process, backed by the population, in order to achieve peace, security and development,
- I. whereas the new Chadian Prime Minister, Youssouf Saleh Abbas, stated that he considered it a priority to implement the abovementioned agreement of 13 August 2007, sponsored by the European Union,
- J. whereas the Coalition of political Parties of the democratic opposition has responded favourably to the principle of a very inclusive government,
- K. having regard to the fresh clashes, at the start of April 2008, between the government army and the armed rebel forces in the Adé region,
- L. having regard to the negotiations embarked on in Tripoli between representatives of the Government and representatives of the rebel forces,
- M. whereas there are already more than 250 000 Sudanese refugees located in 12 camps in eastern Chad; whereas there was a further influx of at least 12 000 new refugees in February 2008, when tensions became rife in Darfur,
- N. whereas there are also over 57 000 refugees from the CAR in Chad, the vast majority of whom are located in four camps in the south of the country; whereas, in addition to these refugees, there are approximately 180 000 Internally Displaced Persons (IDPs) in eastern Chad, who have moved and continue to move internally so as to flee inter-ethnic violence; whereas the deployment of EUFOR may help create the conditions for the return of IDPs, but this return should not be rushed,
- O. whereas in view of the current humanitarian and security situation, the deployment of the EUFOR mission authorised by the UN Security Council has become essential, not least because the UN and the EU have a 'responsibility to protect' civilians in this region by all means necessary and to provide humanitarian assistance as well as security for humanitarian personnel,
- P. whereas a number of rebel groups continue to occupy part of Chadian territory and are present on both sides of the Chad-Sudan border,
- Q. whereas Chad has accused Sudan of breaking the non-aggression agreement, and of training and arming rebels to launch new attacks against the Chadian Government; whereas the Sudanese Government denies any involvement with the rebels,
- R. whereas the contact group established by the peace agreement signed in Dakar on 13 March 2008 at the Islamic Summit Conference has already had to meet in order to consider the Chadian Government's accusations against the Sudanese Government, that it has been giving backing to the Chadian rebellion,

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- S. whereas the readiness of the EU to act as a mediator in the conflict has been demonstrated,
- T. whereas over 4,5 million people in Darfur and eastern Chad now live in need of humanitarian aid, and the continuing fighting is hampering the operations of the World Food Programme (WFP) in eastern Chad, denying it access to some refugee camps and delaying food dispatches to others,
- U. whereas, as conflict in Sudan has spilled over into Chad, civilians in Chad have suffered human rights abuses such as burning and looting of villages in the east as well as violence against women, including rape,
- V. whereas the unstable political situation and armed conflict in Chad aggravates the situation of Darfur refugees, especially after recent threats from the Chadian Government to expel any more exiles arriving from Darfur,
- W. whereas less than 20 % of the USD 290 million requested in the 2008 Humanitarian Appeal for Chad, proposed by eight UN agencies and 14 non-governmental organisations, has been provided so far,
- X. whereas the WFP is now faced with the daunting challenge of pre-positioning six months' food supplies in the refugee camps and IDP sites before the rainy season arrives,
- Y. whereas the steep increase in food prices is another challenge faced by the WFP, which means that this agency will require even greater support in the coming months to meet food requirements in the region,
- Z. whereas protection of children must be an essential priority, and whereas Chadian children are victims of serious human rights violations such as: recruitment and exploitation by armed forces and groups, abduction for various purposes, trafficking, rape and other sexual violence, in particular against girls,
- AA. whereas only 20 % of children attend school in Chad, while an estimated 7 to 10 thousand children (under 18) are considered to be child soldiers,
1. Assures the Chadian people, and in particular the victims of the ongoing conflict, of its solidarity;
2. Voices its utmost concern for the fate of Ibni Oumar Mahamat Saleh, of whom there has been no news since his arrest on 3 February 2008; holds the Chadian authorities personally responsible for his state of health and calls on them to take the necessary measures so that he regains his freedom without delay;
3. Condemns the persecution and arbitrary arrest of opposition politicians and journalists; calls on the Chadian Government to clarify the situation of any opposition politicians or journalists still being detained, to deal with their cases in accordance with the principles underpinning the rule of law, to cease any arbitrary arrests and to put an end to impunity and bring to justice those responsible for human rights violations;
4. Points out that the Chadian Government has an international obligation to notify the whereabouts of political prisoners to their families;
5. Asks the Chadian Government to respect all international human rights instruments to which the country is a signatory;
6. Points out that no member of parliament should be imprisoned without the prior lifting of his or her immunity;
7. Stresses the need for politics in Chad to become more ethnically and geographically representative; underlines the fact that the Darfur crisis is not responsible for all of Chad's woes, as the humanitarian situation has only emerged in the last six years; emphasises that Chad has had its own internal domestic problems for well over four decades; denounces any attempt by the Chadian Government to use Sudan and Darfur as a smoke-screen for hiding political dissent within Chad, prolonging political unrest in the country;

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8. Calls on all parties, and in particular the Chadian Government, to honour their commitments to lay the foundations for free and fair elections, in line with international standards, scheduled for 2009;
9. Points out that no lasting solution can be found without a genuine process of national reconciliation and of global dialogue, involving all players, with a view to a just and comprehensive peace based on the rule of law and true democracy; takes note of the intention expressed by the new Prime Minister to implement the 13 August 2007 agreement;
10. Reaffirms that a real and comprehensive, all-inclusive inter-Chadian dialogue must be convened as soon as possible; underlines the importance of bringing the rebel groups into the political process and encourages all parties, including the Chadian Government and the EU, to find ways to negotiate with the armed opposition as soon as it agrees to a full and unconditional ceasefire;
11. Calls on the African Union to facilitate an all-inclusive dialogue with a view to a comprehensive peace process and the preparation of democratic elections;
12. Calls on the EU to continue to follow up implementation of the agreement of 13 August 2007 with a view to the urgent resumption of an all-inclusive political reconciliation process respecting democratic rules;
13. Reaffirms its fundamental opposition to any attempt at taking power by force of arms; strongly condemns the continuing armed activities of rebel groups in Chad;
14. Acknowledges the usefulness of the ESDP EUFOR TCHAD/RCA mission for guaranteeing, with impartiality and the strictest neutrality, the safety of camps for refugees and displaced persons and of humanitarian organisations; regrets that, in terms of troop composition, EUFOR does not sufficiently reflect the diversity of the European Union, and calls on the Member States which have not yet done so to contribute to providing the necessary troops and *matériel* so as to guarantee its European identity; calls on the Member States and the Council to take the gender and human rights dimensions into consideration when the mission is carried out;
15. Stresses that these forces must have and use all means necessary, in full compliance with international human rights and humanitarian law, to protect civilians at risk; urges all forces involved in the conflict to observe human rights and humanitarian law, to halt all attacks on refugees, IDPs and civilians in the areas concerned and to allow humanitarian agencies to aid the suffering civilian population;
16. Reiterates its deep concern at the increasingly serious humanitarian and security situation in Chad and calls on the international community to scale up its aid to meet the 2008 Humanitarian Appeal for Chad; stresses that donor contributions are urgently required to ensure that purchases are completed in the coming months so that food reaches eastern Chad on time; underlines the fact that such funding is required at least a year in advance in order to meet such pressing needs;
17. Is deeply concerned by the negative impact of this humanitarian crisis on regional stability; suggests that an international regional conference should be convened as soon as possible to address the complexities of the relationship between Chad and its neighbours;
18. Calls, in this context, on the governments of Chad and Sudan to respect and uphold their non-aggression agreement of 13 March 2008;
19. Calls on the governments of Chad and Sudan to immediately cease all support to armed groups in Darfur and Eastern Chad, to fulfil their commitments to prevent armed groups from crossing the common border, to settle differences through political dialogue and to take all necessary measures to stabilise the current situation;
20. Calls for human rights violations, crimes against humanity, sexual violence against women and children and forced recruitment of men and children in refugee camps and IDP sites to be identified, reported, prosecuted and punished in accordance with international provisions on human rights;

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21. Backs the United Nations Mission in the Central African Republic and Chad (MINURCAT) tasked with supporting the Chadian courts and prisons systems and with training the 'Chadian police for humanitarian protection', which is responsible for maintaining law and order in the camps for refugees and IDP sites;
 22. Underlines the importance of a public information campaign containing clear messages so that EUFOR can sensitise not only the local population, but also NGOs, to the purpose of its presence in the region;
 23. Expresses its disappointment that EUFOR troops have not yet been deployed to the Guerda area, which is one of the more complicated regions in terms of ethnic disputes and refugee influx; is concerned that this area has been left somewhat exposed and urges that EUFOR troops be deployed as soon as possible to provide security in this dangerous area;
 24. Stresses that any solutions to the IDP problem in Chad must take into account the local population itself as well as the government; suggests that reconciliation projects should include IDPs as well as local populations;
 25. Welcomes the fact that provision is made in the 10th European Development Fund for reconstruction and rehabilitation of areas accommodating displaced persons and refugees;
 26. Underscores the fact that human rights must be entrenched within Chadian educational systems and that action plans on human rights education for primary and secondary schools must be implemented as soon as possible; notes that EUFOR could play a role in preventing children from being recruited by rebel groups by working with community leaders to sensitise them to this danger posed to their children;
 27. Asks that all children under 18 be demobilised from all Chadian National Army forces, including self-defence militias and all other paramilitary groups receiving Chadian Government support, and handed over to their families or to appropriate child protection agencies;
 28. Instructs its President to forward this resolution to the Council, the Commission, the African Union, the Secretary-General of the United Nations, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly and the presidents, governments and parliaments of Chad, the Central African Republic and Sudan.
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III

(Preparatory acts)

EUROPEAN PARLIAMENT

Cross-border cooperation to combat terrorism and cross-border crime *

P6_TA(2008)0128

European Parliament legislative resolution of 22 April 2008 on the initiative of the Federal Republic of Germany with a view to the adoption of a Council Decision on the implementation of Decision 2008/.../JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (11563/2007 — 11045/1/2007 — C6-0409/2007 — 2007/0821(CNS))

(2009/C 259 E/21)

(Consultation procedure)

The European Parliament,

- having regard to the initiative of the Federal Republic of Germany (11563/2007 and 11045/1/2007),
 - having regard to Article 34(2)(c) of the EU Treaty,
 - having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0409/2007),
 - having regard to Rules 93 and 51, and Rule 41(4) of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0099/2008),
1. Approves the initiative of the Federal Republic of Germany as amended;
 2. Calls on the Council to amend the text accordingly;
 3. Calls on the Council and the Commission, following the entry into force of the Treaty of Lisbon, to give priority to any future proposal to amend the Decision in accordance with Declaration No 50 concerning Article 10 of the Protocol on transitional provisions to be annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community;
 4. Is determined to examine any such future proposal by urgent procedure in accordance with the procedure referred to in paragraph 3 and in close cooperation with national parliaments;

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5. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
6. Calls on the Council to consult Parliament again if it intends to amend the initiative of the Federal Republic of Germany substantially;
7. Instructs its President to forward its position to the Council and the Commission, and the government of the Federal Republic of Germany.

TEXT PROPOSED BY THE FEDERAL REPUBLIC OF GERMANY

AMENDMENT

Amendment 1

Initiative of the Federal Republic of Germany

Recital 3a (new)

(3a) It is necessary for the Council to adopt the framework decision on certain procedural rights in criminal proceedings throughout the European Union as soon as possible in order to lay down certain minimum rules on the availability of legal assistance to individuals in the Member States.

Amendment 2

Initiative of the Federal Republic of Germany

Recital 3b (new)

(3b) The data protection rules laid down in Decision 2008/.../JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, are to be created in the absence of an adequate third pillar legal instrument on data protection. When approved, that general legal instrument should be applied to the entire area of police and judicial cooperation in criminal matters, provided that its level of data protection is adequate and, in any event, no lower than the protection laid down in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981 and the Additional Protocol thereto regarding supervisory authorities and transborder data flows of 8 November 2001.

Amendment 3

Initiative of the Federal Republic of Germany

Recital 3c (new)

(3c) Special categories of data concerning racial or ethnic origin, political opinion, religious or philosophical belief, party or trade union membership, sexual orientation or health should be processed only if absolutely necessary and in proportion to the purpose of the specific case and in compliance with specific safeguards.

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TEXT PROPOSED BY THE FEDERAL REPUBLIC OF GERMANY

AMENDMENT

Amendment 4**Initiative of the Federal Republic of Germany****Recital 3d (new)**

(3d) With a view to efficient police cooperation, it should be possible to establish joint task forces rapidly and unbureaucratically.

Amendment 5**Initiative of the Federal Republic of Germany****Recital 4a (new)**

(4a) The measures provided for in this Decision are consistent with the opinion of the European Data Protection Supervisor of 19 December 2007.

Amendment 6**Initiative of the Federal Republic of Germany****Article 2 — point -a (new)**

(-a) 'personal data' shall mean any information relating to an identified or identifiable natural person ('data subject'); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity;

Amendment 11**Initiative of the Federal Republic of Germany****Article 2 — point e**

(e) 'non-coding part of DNA' **means** chromosome **regions not genetically expressed**, i.e. not known to provide **for any functional properties of an organism**;

(e) 'non-coding part of DNA' **shall mean** chromosome **zones containing no genetic expression**, i.e. not known to provide **information about specific hereditary characteristics; notwithstanding any scientific progress, no more information shall be revealed from the non-coding part of DNA**;

Amendment 18**Initiative of the Federal Republic of Germany****Article 3a (new)****Article 3a****Requests regarding acquitted or discharged persons**

In accordance with Chapters 3 and 4 of this Decision, reports that match the DNA profile or dactyloscopic data of persons who have been acquitted or discharged shall be exchanged only if the database is precisely circumscribed and the category of data subject to the inquiry is clearly defined by national law.

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TEXT PROPOSED BY THE FEDERAL REPUBLIC OF GERMANY

AMENDMENT

Amendment 19**Initiative of the Federal Republic of Germany****Article 8 — paragraph 1 — point a**

- (a) the Member State code of the requesting Member State; (a) the Member State code of the requesting Member State **and the code of the consulting national authority;**

Amendment 20**Initiative of the Federal Republic of Germany****Article 17 — paragraph 3 — subparagraph i**

- (i) the powers the officers and other officials of the seconding Member State(s) may exercise in the host Member State during the operation; (i) the powers the officers and other officials of the seconding Member State(s) may exercise in the host Member State during the operation; **those powers shall include, in particular, the rights of surveillance, hot pursuit, arrest and questioning;**

Amendment 21**Initiative of the Federal Republic of Germany****Article 18 — paragraph 1**

1. Further details concerning the technical and administrative implementation of Decision 2007/.../JHA are set out in the Annex to this Decision. The Annex may be modified by the Council, acting by a qualified majority. 1. Further details concerning the technical and administrative implementation of Decision 2008/.../JHA are set out in the Annex to this Decision. The Annex may be modified by the Council, acting by a qualified majority **after consulting the European Parliament in accordance with Article 34(2)(c) and Article 39(1) of the Treaty on European Union.**

Amendment 22**Initiative of the Federal Republic of Germany****Article 20 — paragraph 1**

1. The Council shall take a decision referred to in Article 25(2) of Decision 2007/.../JHA on the basis of an evaluation report which shall be based on a questionnaire as set out in Chapter 4 of the Annex to this Decision. 1. The Council shall take a decision referred to in Article 25(2) of Decision 2008/.../JHA on the basis of an evaluation report which shall be based on a questionnaire as set out in Chapter 4 of the Annex to this Decision. **The independent data protection authorities of the Member State(s) concerned shall be fully involved in the evaluation procedure set out in Chapter 4 of the Annex to this Decision.**

Amendment 23**Initiative of the Federal Republic of Germany****Article 21 — paragraph 1**

1. An evaluation of the administrative, technical and financial application of the data exchange pursuant to Chapter 2 of Decision 2007/.../JHA shall be carried out on an annual basis. The evaluation shall relate to those Member States already applying Decision 2007/.../JHA at the time of the evaluation and shall be carried out with respect to the data categories for which data exchange has started among the Member States concerned. The evaluation shall be based on reports of the respective Member States. 1. An evaluation of the administrative, technical and financial application of the data exchange pursuant to Chapter 2 of Decision 2008/.../JHA shall be carried out on an annual basis. **Such evaluation shall include an assessment of the consequences of differences in techniques and criteria for collecting and storing DNA data in the Members States. The evaluation shall also include an assessment of the results related to the proportionality and the effectiveness of the cross-border exchange of the various types of DNA data.** The evaluation shall relate to those Member States already applying Decision 2008/.../JHA at the time of the evaluation and shall be carried out with respect to the data categories for which data exchange has started among the Member States concerned. The evaluation shall be based on reports of the respective Member States.

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TEXT PROPOSED BY THE FEDERAL REPUBLIC OF GERMANY

AMENDMENT

Amendment 24**Initiative of the Federal Republic of Germany****Article 21 — paragraph 2a (new)**

2a. The General Secretariat of the Council shall transmit to the European Parliament and the Commission on a regular basis the results of the evaluation of data exchange in the form of a report as referred to in Chapter 4, point 2.1 of the Annex to this Decision.

Amendment 25**Initiative of the Federal Republic of Germany****Addendum to the Initiative — Chapter 1 — point 1.1 — subparagraph 3**

Inclusion Rule:

The DNA-profiles made available by the Member States for searching and comparison as well as the DNA-profiles sent out for searching and comparison must contain at least 6 loci and **may** contain **other** loci or blanks depending on their availability. The reference DNA profiles must contain at least 6 of the 7 ESS/ISSOL loci. In order to raise the accuracy of matches, **it is recommended that** all available alleles be stored in the indexed DNA profile **data pool**.

Inclusion Rule:

The DNA-profiles made available by the Member States for searching and comparison as well as the DNA-profiles sent out for searching and comparison must contain at least 6 loci and **must** contain **additional** loci or blanks depending on their availability. The reference DNA profiles must contain at least 6 of the 7 ESS/ISSOL loci. In order to raise the accuracy of matches, all available alleles **shall** be stored in the indexed DNA profile **database and be used for searching and comparison. Each Member State shall implement, as soon as practicable, any new ESS of loci adopted by the EU.**

Tuesday 22 April 2008

Statute of the European Ombudsman

P6_TA(2008)0129

Draft Decision of the European Parliament adopted on 22 April 2008 amending its Decision 94/262/ECSC, EC, Euratom of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties (2006/2223(INI))

(2009/C 259 E/22)

The following draft Decision was adopted ⁽¹⁾ and transmitted to the Council and the Commission in accordance with Article 195(4) of the EC Treaty and Article 107d(4) of the Euratom Treaty:

⁽¹⁾ The vote on the motion for a resolution (A6-0076/2008) was adjourned pending the conclusion of the procedure under Article 195(4) of the EC Treaty and Article 107d(4) of the Euratom Treaty.

Decision of the European Parliament amending Decision 94/262/ECSC, EC, Euratom of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties

THE EUROPEAN PARLIAMENT,

Having regard to the Treaty establishing the European Community, and in particular Article 195(4) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 107d(4) thereof,

Having regard to its resolution of ... on a proposal for a decision of the European Parliament amending its Decision 94/262/ECSC, EC, Euratom of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties,

Having regard to the opinion of the Commission,

With the approval of the Council,

Whereas:

- (1) The Charter of Fundamental Rights of the European Union ⁽¹⁾ recognises the right to good administration as a fundamental right of citizens of the Union.
- (2) Citizens' confidence in the capacity of the Ombudsman to conduct thorough and impartial inquiries in alleged cases of maladministration is fundamental to the success of the Ombudsman's action.
- (3) It is desirable to adapt the Statute of the Ombudsman in order to eliminate any possible uncertainty concerning the capacity of the Ombudsman to conduct thorough and impartial inquiries in alleged cases of maladministration.
- (4) It is desirable to adapt the Statute of the Ombudsman in order to allow for any possible evolution of the legal provisions or of case law concerning the intervention of bodies, offices and agencies of the European Union in cases before the Court of Justice.

⁽¹⁾ OJ C 303, 14.12.2007, p. 1.

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- (5) It is desirable to adapt the Statute of the Ombudsman to take account of the changes that have occurred in recent years as regards the role of EU institutions and bodies in combating fraud against the financial interests of the European Union, notably the creation of the European Anti-Fraud Office (OLAF), so as to allow the Ombudsman to notify those institutions or bodies of any information falling within their remit.
- (6) It is desirable to take steps so as to allow the Ombudsman to develop his or her cooperation with similar institutions at national and international level as well as with national or international institutions even where they cover a wider range of activities than the European Ombudsman — such as the protection of human rights —, since such cooperation may make a positive contribution towards enhancing the efficiency of the Ombudsman's action.
- (7) The Treaty establishing the European Coal and Steel Community expired in 2002,

HAS DECIDED AS FOLLOWS:

Article 1

Citation 1, Recital 3, Article 1(1), subparagraphs 1 and 5 of Article 3(2), Article 4 and Article 5 of Decision 94/262/ECSC, EC, Euratom are amended as follows:

OMBUDSMAN'S STATUTE

PROPOSAL FOR AMENDMENT

Amendment 1

Citation 1

Having regard to the Treaties establishing the European Communities, and in particular Article 195(4) of the Treaty establishing the European Community, **Article 20d(4) of the Treaty establishing the European Coal and Steel Community** and Article 107d(4) of the Treaty establishing the European Atomic Energy Community,

Having regard to the Treaties establishing the European Communities, and in particular Article 195(4) of the Treaty establishing the European Community and Article 107d(4) of the Treaty establishing the European Atomic Energy Community,

Amendment 2

Recital 3

Whereas the Ombudsman, who may also act on his own initiative, must have access to all the elements required for the performance of his duties; whereas to that end Community institutions and bodies are obliged to supply the Ombudsman, at his request, with any information which he requests of them, **unless there are duly substantiated grounds for secrecy**, and without prejudice to the Ombudsman's obligation not to divulge such information; whereas the Member States' authorities are obliged to provide the Ombudsman with all necessary information save where such information is covered by rules or regulations on secrecy or by provisions preventing its being communicated; whereas if the Ombudsman finds that the assistance requested is not forthcoming, he shall inform the European Parliament, which shall make appropriate representations;

Whereas the Ombudsman, who may also act on his own initiative, must have access to all the elements required for the performance of his duties; whereas to that end Community institutions and bodies are obliged to supply the Ombudsman, at his request, with any information which he requests of them and without prejudice to the Ombudsman's obligation not to divulge such information **and to treat classified information or documents in accordance with rules strictly equivalent to those in force in the institutions or bodies in question; whereas the institutions or bodies supplying classified information or documents shall notify the Ombudsman of such classification; whereas the Ombudsman and the institutions and bodies in question should agree on the operational conditions for the supplying of classified information or documents**; whereas the Member States' authorities are obliged to provide the Ombudsman with all necessary information save where such information is covered by rules or regulations on secrecy or by provisions preventing its being communicated; whereas if the Ombudsman finds that the assistance requested is not forthcoming, he shall inform the European Parliament, which shall make appropriate representations;

Tuesday 22 April 2008

OMBUDSMAN'S STATUTE

PROPOSAL FOR AMENDMENT

Amendment 3

Article 1, paragraph 1

1. The regulations and general conditions governing the performance of the Ombudsman's duties shall be as laid down by this Decision in accordance with Article 195(4) of the Treaty establishing the European Community, **Article 20d(4) of the Treaty establishing the European Coal and Steel Community** and Article 107d(4) of the Treaty establishing the European Atomic Energy Community.

1. The regulations and general conditions governing the performance of the Ombudsman's duties shall be as laid down by this Decision in accordance with Article 195(4) of the Treaty establishing the European Community and Article 107d(4) of the Treaty establishing the European Atomic Energy Community.

Amendment 4

Article 3, paragraph 2, subparagraph 1

2. The Community institutions and bodies shall be obliged to supply the Ombudsman with any information he has requested of them and give him access to the files concerned. **They may refuse only on duly substantiated grounds of secrecy.**

2. The Community institutions and bodies shall be obliged to supply the Ombudsman with any information he has requested of them and give him access to the files concerned. **Access to classified information or documents, in particular to sensitive documents within the meaning of Article 9 of Regulation (EC) No 1049/2001 ⁽¹⁾, shall be subject to observance by the Ombudsman of rules strictly equivalent to those in force in the institutions or bodies in question.**

The institutions or bodies supplying classified information or documents as mentioned in the first subparagraph shall inform the Ombudsman of such classification.

For the implementation of rules provided for in the first subparagraph, the Ombudsman may agree with the institutions or bodies the operational conditions for access to classified information and other information covered by the obligation of professional secrecy.

⁽¹⁾ 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 (OJ L 145, 31.5.2001, p. 43).

Amendment 5

Article 3, paragraph 2, subparagraph 5

Officials and other servants of Community institutions and bodies must testify at the request of the Ombudsman; they shall **speak on behalf of and in accordance with instructions from their administrations and shall** continue to be bound by their duty of professional secrecy.

Officials and other servants of Community institutions and bodies must testify at the request of the Ombudsman; they shall continue to be bound by **the relevant rules of the Staff Regulations, notably** their duty of professional secrecy.

Tuesday 22 April 2008

OMBUDSMAN'S STATUTE

PROPOSAL FOR AMENDMENT

Amendment 6

Article 4

1. The Ombudsman and his staff, to whom Article 287 of the Treaty establishing the European Community, **Article 47(2) of the Treaty establishing the European Coal and Steel Community** and Article 194 of the Treaty establishing the European Atomic Energy Community shall apply, shall be required not to divulge information or documents which they obtain in the course of their inquiries. They shall also be required **to treat in confidence** any information which could harm the person lodging the complaint or any other person involved, without prejudice to paragraph 2.

2. If, in the course of inquiries, he learns of facts which he considers might relate to criminal law, the Ombudsman shall immediately notify the competent national authorities via the Permanent Representations of the Member States to the European Communities **and**, if appropriate, the Community institution with authority over the official or servant concerned, which may apply the second paragraph of Article 18 of the Protocol on the Privileges and Immunities of the European Communities. The Ombudsman may also inform the Community institution or body concerned of the facts calling into question the conduct of a member of their staff from a disciplinary point of view.

1. The Ombudsman and his staff, to whom Article 287 of the Treaty establishing the European Community and Article 194 of the Treaty establishing the European Atomic Energy Community shall apply, shall be required not to divulge information or documents which they obtain in the course of their inquiries. They shall also be required **not to divulge any classified information or any document supplied to the Ombudsman as sensitive documents within the meaning of Article 9 of Regulation (EC) No 1049/2001, or as documents falling within the scope of the Community legislation regarding the protection of personal data, as well as** any information which could harm the person lodging the complaint or any other person involved, without prejudice to paragraph 2.

The Ombudsman and his staff shall deal with applications from third parties for access to documents obtained by the Ombudsman in the course of inquiries in accordance with the conditions and limits provided for in Regulation (EC) No 1049/2001, in particular Article 4 thereof.

2. If, in the course of inquiries, he learns of facts which he considers might relate to criminal law, the Ombudsman shall immediately notify the competent national authorities via the Permanent Representations of the Member States to the European Communities **or the competent Community institution or body**; if appropriate, **the Ombudsman shall also notify** the Community institution **or body** with authority over the official or servant concerned, which may apply the second paragraph of Article 18 of the Protocol on the Privileges and Immunities of the European Communities. The Ombudsman may also inform the Community institution or body concerned of the facts calling into question the conduct of a member of their staff from a disciplinary point of view.

Amendment 7

Article 5

Insofar as it may help to make his enquiries more efficient and better safeguard the rights and interests of persons who make complaints to him, the Ombudsman may cooperate with authorities of the same type in certain Member States provided he complies with the national law applicable. The Ombudsman may not by this means demand to see documents to which he would not have access under Article 3.

Insofar as it may help to make his enquiries more efficient and better safeguard the rights and interests of persons who make complaints to him, the Ombudsman may cooperate with authorities of the same type in certain Member States provided he complies with the national law applicable. The Ombudsman may not by this means demand to see documents to which he would not have access under Article 3. **The Ombudsman may, under the same conditions, cooperate with other institutions for the promotion and protection of fundamental rights.**

Tuesday 22 April 2008

Article 2

This decision shall be published in the Official Journal of the European Union.

Article 3

This decision 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

Wednesday 23 April 2008

Protocol to the EC-former Yugoslav Republic of Macedonia Stabilisation and Association Agreement ***

P6_TA(2008)0164

European Parliament legislative resolution of 23 April 2008 on the proposal for a Council and Commission decision on the conclusion of the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union (16731/2007 — COM(2007)0623 — C6-0093/2008 — 2007/0218(AVC))

(2009/C 259 E/23)

(Assent procedure)

The European Parliament,

- having regard to the proposal for a Council and Commission decision (COM(2007)0623 — 16731/2007),
 - having regard to the request for assent submitted by the Council pursuant to Article 300(3), second subparagraph, in conjunction with Article 300(2), first subparagraph, second sentence and Article 310 of the EC Treaty (C6-0093/2008),
 - having regard to Rules 75, 83(7) and 43(1) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Foreign Affairs (A6-0078/2008),
1. Gives its assent to the conclusion of the Protocol;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the former Yugoslav Republic of Macedonia.

Application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia) (codified version) *

P6_TA(2008)0165

European Parliament legislative resolution of 23 April 2008 on the proposal for a Council regulation on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia) (codified version) (COM(2007)0753 — C6-0475/2007 — 2007/0265(CNS))

(2009/C 259 E/24)

(Consultation procedure — codification)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2007)0753),
- having regard to Article 83 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0475/2007),

Wednesday 23 April 2008

- having regard to the Interinstitutional Agreement of 20 December 1994 — Accelerated working method for official codification of legislative texts ⁽¹⁾,
 - having regard to Rules 80 and 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A6-0089/2008),
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;
 2. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ OJ C 102, 4.4.1996, p. 2.

Mediation in civil and commercial matters ***II

P6_TA(2008)0166

European Parliament legislative resolution of 23 April 2008 on the Council common position for adopting a directive of the European Parliament and of the Council on certain aspects of mediation in civil and commercial matters (15003/5/2007 — C6-0132/2008 — 2004/0251(COD))

(2009/C 259 E/25)

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (15003/5/2007 — C6-0132/2008),
 - having regard to its position at first reading ⁽¹⁾ on the Commission proposal to Parliament and the Council (COM(2004)0718),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Legal Affairs (A6-0150/2008),
1. Approves the common position;
 2. Notes that the act is adopted in accordance with the common position;
 3. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Union;
 5. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ OJ C 27 E, 31.1.2008, p. 129.

Wednesday 23 April 2008

European satellite radionavigation programmes (EGNOS and Galileo) *I**

P6_TA(2008)0167

European Parliament legislative resolution of 23 April 2008 on the amended proposal for a regulation of the European Parliament and of the Council on the further implementation of the European satellite radionavigation programmes (EGNOS and Galileo) (COM(2007)0535 — C6-0345/2007 — 2004/0156(COD))

(2009/C 259 E/26)

(Codecision procedure: first reading — renewed referral)

The European Parliament,

- having regard to the amended Commission proposal to the European Parliament and the Council (COM(2007)0535),
- having regard to the Commission proposal to the European Parliament and the Council (COM(2004)0477),
- having regard to its position at first reading of 6 September 2005 ⁽¹⁾,
- having regard to Article 251(2) and Article 156 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament again (C6-0345/2007),
- having regard to its resolution of 20 June 2007 on the financing of the European programme of satellite radionavigation (Galileo) under the Interinstitutional Agreement of 17 May 2006 and the multiannual financial framework 2007-2013 ⁽²⁾,
- having regard to the Interinstitutional Agreement between the European Parliament, the Council and the Commission of 17 May 2006 on budgetary discipline and sound financial management ⁽³⁾ (IIA) as amended by Decision 2008/29/EC of the European Parliament and of the Council of 18 December 2007 ⁽⁴⁾, as regards the multiannual financial framework,
- having regard to Rules 51 and 55(1) 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 Budgets and the Committee on Transport and Tourism (A6-0144/2008),

1. Approves the Commission proposal as amended;
2. Considers that the financial envelope indicated in the legislative proposal is compatible with the ceiling for commitment appropriations under sub-heading 1a of the multiannual financial framework 2007-2013 as amended by Decision 2008/29/EC and points out that the annual amount will be decided within the annual budgetary procedure in accordance with the provisions of point 37 of the IIA;
3. Approves the joint declaration annexed hereto, which will be published in the Official Journal of the European Union together with the final legislative act;
4. Draws attention to the Commission statements annexed hereto;
5. 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;
6. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ OJ C 193 E, 17.8.2006, p. 61.

⁽²⁾ Texts Adopted, P6_TA(2007)0272.

⁽³⁾ OJ C 139, 14.6.2006, p. 1.

⁽⁴⁾ OJ L 6, 10.1.2008, p. 7.

Wednesday 23 April 2008

P6_TC1-COD(2004)0156

Position of the European Parliament adopted at first reading on 23 April 2008 with a view to the adoption of Regulation (EC) No .../2008 of the European Parliament and of the Council on the further implementation of the European satellite navigation programmes (EGNOS and Galileo)

(As an agreement was reached between Parliament and Council, Parliament's position at first reading corresponds to the final legislative act, Regulation (EC) No 683/2008).

ANNEX

JOINT DECLARATION BY THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE EUROPEAN COMMISSION ON THE GALILEO INTERINSTITUTIONAL PANEL ('GIP')

1. In view of the importance, uniqueness and complexity of the European GNSS programmes, the Community ownership of systems resulting from the programmes, the full financing of the Community budget of the programmes for the period 2008-2013, the European Parliament, the Council, and the European Commission recognise the need for close cooperation of the three institutions.

2. A Galileo Inter-institutional Panel ('GIP') will meet with the objective to facilitate each Community institution exercising its respective responsibility. To this end, the GIP will be set up in order to follow closely:

- (a) the progress on the implementation of the European GNSS programmes, in particular with regard to the implementation of the procurement and the contract agreements, in particular with regard to the ESA;
- (b) the International Agreements with third countries without prejudice to the provisions of Article 300 of the Treaty;
- (c) the preparation of satellite navigation markets;
- (d) the effectiveness of the governance arrangements; and
- (e) the annual review of the work programme.

3. In accordance with existing rules, the GIP will respect the need for discretion in particular in view of the commercial-in-confidence and sensitive nature of certain data.

4. The Commission will take account of the views expressed by the GIP.

5. The GIP will be composed of seven representatives, of which:

- 3 from the Council
- 3 from the EP
- 1 from the Commission,

and will meet on a regular basis (in principle 4 times per year).

6. The GIP does not affect the established responsibilities or inter-institutional relationships.

Wednesday 23 April 2008

**Statement by the European Commission
regarding the involvement of the GIP in international agreements**

On international agreements, the Commission will inform the GIP so that it can follow closely international agreements with third countries in line with the Framework Agreement on relations between the Commission and the European Parliament of 26 May 2005 and future related Agreements and without prejudice to the provisions of Article 300 of the Treaty.

**Statement by the European Commission
with regard to the launch of studies on the exploitation of the Galileo system**

In view of the invitation from the Council to provide, in 2010, the proposal foreseen in *Article 4(3)* of the Regulation on the exploitation phase of the programmes, in particular regarding the financing, the pricing policy and the revenue-sharing mechanism, the Commission will launch the necessary preliminary studies as from 2008 and during 2009, in accordance with the conclusions of the Transport Council of 29 and 30 November 2007.

These studies will carry out, in particular, an analysis of the possibilities for the involvement of the private sector in the management of the exploitation phase of the programmes beyond 2013, as well as the modalities for this potential involvement, notably those of a Public-Private Partnership.

**Statement by the European Commission
regarding the creation of a security expert group ('GNSS Security Board')**

In order to implement the provisions of *Article 13(1)* of the Regulation and in order to examine matters related to the security of the systems, the Commission intends to create an expert group composed of representatives from the Member States.

The Commission will ensure that this expert group shall:

- be composed of one representative of each Member State and one representative from the Commission;
- be chaired by the representative of the Commission;
- adopt its rules of procedures that foresee, inter alia, the adoption of opinions by consensus and a provision for the experts to raise any relevant issue related to the security of the systems;

In exercising its responsibilities, the Commission will take full account of the opinions of the expert group and commits to consult it, inter alia, before defining the main requirements for the security of the systems as set out in *Article 13* of the Regulation.

In addition, the Commission considers that:

- the representatives of the European GNSS Supervisory Authority, the European Space Agency as well as the SG/HR should be involved as observers in the work of the expert group under the conditions laid down in its rules of procedure;
- agreements concluded by the European Community may provide for the participation of representatives of third countries in the work of the expert group under conditions laid down in its rules of procedure.

Wednesday 23 April 2008

**Statement by the European Commission
with regard to the calling upon of an independent expert team**

In order to apply properly the provisions of *Article 12(3)* of the Regulation, the Commission intends to:

- call upon an independent project management expert team;
- have, as part of its tasks, this team review the implementation of the programmes with the aim of making appropriate recommendations in particular with regard to risk management;
- communicate these recommendations on a regular basis to the Committee set up in the Regulation.

**Statement by the European Commission
regarding the interpretation of Article 17(3)(c)**

Article 17(3)(c) establishes the principle that at least 40 % of the aggregated value of the activities is to be sub-contracted by competitive tendering at various levels to companies other than those belonging to groups of which entities will be prime contractors of any of the main work package.

The Commission, throughout the entire tendering process, will keep this under close scrutiny and review, and will inform the GIP and the GNSS Committee of the fulfilment of this requirement and its overall impact on the programme.

If, in this process, the projections show that the 40 % threshold cannot be attained, the Commission will take appropriate measures in accordance with the procedure referred to in *Article 17(3)(c)*.

Extension of scope of Directive 2003/109/EC to beneficiaries of international protection *

P6_TA(2008)0168

European Parliament legislative resolution of 23 April 2008 on the proposal for a Council directive amending Directive 2003/109/EC to extend its scope to beneficiaries of international protection (COM(2007)0298 — C6-0196/2007 — 2007/0112(CNS))

(2009/C 259 E/27)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2007)0298),
 - having regard to Article 63(3) and (4) of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0196/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and to the opinion of the Committee on Foreign Affairs (A6-0148/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;

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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 and the Commission.

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS BY PARLIAMENT

Amendment 1**Proposal for a directive — amending act****Recital 5**

(5) In view of the right of beneficiaries of international protection to reside in other Member States than the one which granted them international protection, it is necessary to ensure that these Member States are informed of the protection background of the persons concerned, so that they can comply with their obligations regarding the respect of the principle of non-refoulement. For this purpose the long-term resident's EC residence permit granted to beneficiaries of international protection should contain a remark providing information about the fact that international protection was granted by a Member State to its holder. Provided that international protection has not been withdrawn, this remark should be reproduced in the long-term resident's EC residence permit issued by the second Member State.

(5) In view of the right of beneficiaries of international protection to reside in other Member States than the one which granted them international protection, it is necessary to ensure that these Member States are informed of the protection background of the persons concerned, so that they can comply with their obligations regarding the respect of the principle of non-refoulement. For this purpose the long-term resident's EC residence permit granted to beneficiaries of international protection should contain a remark providing information about the fact that international protection was granted by a Member State to its holder. Provided that international protection has not been withdrawn, this remark should be reproduced in the long-term resident's EC residence permit issued by the second Member State. **However, the second Member State may not use this remark as a pretext, whether directly or indirectly, to refuse to grant long-term residence status on its territory.**

Amendment 2**Proposal for a directive — amending act****Recital 10a (new)**

(10a) Under the terms of this Directive, the granting of long-term residence status should not imply the revocation or withdrawal of the rights held by refugees, beneficiaries of subsidiary protection, and members of their family under Directive 2004/83/EC;

Amendment 3**Proposal for a directive — amending act****Article 1 — point 1**

Directive 2003/109/EC

Article 2 — point f

1. In Article 2, point (f) is **replaced by the following**:

(f) 'international protection' means international protection as defined in Article 2(a) of Council Directive 2004/83/EC;

1. In Article 2, **the following** point (f **a**) **shall be inserted**:

(fa) 'international protection' means international protection as defined in Article 2(a) of Council Directive 2004/83/EC;

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TEXT PROPOSED BY THE COMMISSION

AMENDMENTS BY PARLIAMENT

Amendment 4**Proposal for a directive — amending act****Article 1 — point 3**

Directive 2003/109/EC

Article 4 — paragraph 2

Regarding beneficiaries of international protection, the period between the date on which the application for international protection is lodged and the date on which the residence permit referred to in Article 24 of Directive 2004/83/EC is granted shall be taken into account in the calculation of the period referred to in paragraph 1.

Regarding beneficiaries of international protection, the period between the date on which the **first** application for international protection is lodged, **including where the first application is an application for temporary protection where temporary protection precedes access to international protection**, and the date on which the residence permit referred to in Article 24 of Directive 2004/83/EC is granted shall be taken into account in the calculation of the period referred to in paragraph 1.

Amendment 5**Proposal for a directive — amending act****Article 1 — point 3a (new)**

Directive 2003/109/EC

Article 5 — paragraph 1 — subparagraph 1a (new)

3a. In Article 5(1), the following subparagraph shall be added:

Such requirements shall not apply to those beneficiaries of international protection who do not have access to employment.

Amendment 6**Proposal for a directive — amending act****Article 1 — point 3b (new)**

Directive 2003/109/EC

Article 5 — paragraph 2 — subparagraph 1a (new)

3b. In Article 5(2), the following subparagraph shall be added:

National integration conditions may be applied to beneficiaries of international protection only after individual consideration of their case, taking into account their particularly vulnerable situation, by means of a reasoned decision in, accordance with Article 33 of Directive 2004/83/EC.

Amendment 7**Proposal for a directive — amending act****Article 1 — point 6**

Directive 2003/109/EC

Article 12 — paragraph 3 a

3a. Where a Member State decides to expel a long-term resident whose long-term resident's EC residence permit contains the remark referred to in Article 8(4), it shall **consult** the Member State **mentioned** in the **remark**.

3a. Where a Member State decides to expel a long-term resident whose long-term resident's EC residence permit contains the remark referred to in Article 8(4), it shall **contact** the Member State **which granted international protection in order to confirm the status of that long-term resident**.

Wednesday 23 April 2008

TEXT PROPOSED BY THE COMMISSION

AMENDMENTS BY PARLIAMENT

Unless in the meantime international protection has been withdrawn, the **long-term** resident **shall** be expelled to this Member State, which shall immediately readmit without formalities the long-term resident and his/her family members.

The Member State which granted international protection shall respond in writing to the Member State which made the request within a maximum of one month. The decision to expel the long-term resident may not be taken until the response of the Member State which granted international protection has been received.

Unless in the meantime international protection has been withdrawn, the **long-term** resident **may, in accordance with the principle of non-refoulement, only** be expelled to this Member State, which shall immediately readmit without formalities the long-term resident and his/her family members.

Amendment 8**Proposal for a directive — amending act****Article 1 — point 8**

Directive 2003/109/EC

Article 25 — subparagraph 1a (new)

The Commission shall draw up and regularly update a list of contact points, and forward it to the Member States.

Adjustment of the multiannual framework

P6_TA(2008)0170

European Parliament resolution of 23 April 2008 on the proposal for a decision of the European Parliament and of the Council amending the Interinstitutional Agreement of 17 May 2006 on budgetary discipline and sound financial management as regard adjustment of the multiannual financial framework (COM(2008)0152 — C6-0148/2008 — 2008/2083(ACI))

(2009/C 259 E/28)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0152),
 - 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⁾, and in particular point 48 thereof,
 - having regard to the report of the Committee on Budgets (A6-0157/2008),
1. Approves the decision annexed to this resolution;
 2. 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;
 3. Instructs its President to forward this resolution, including its annex, to the Council and Commission.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1. Agreement as amended by Decision 2008/29/EC of the European Parliament and of the Council (OJ L 6, 10.1.2008, p. 7).

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ANNEX I

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 29 APRIL 2008 AMENDING
THE INTERINSTITUTIONAL AGREEMENT OF 17 MAY 2006 ON BUDGETARY DISCIPLINE
AND SOUND FINANCIAL MANAGEMENT AS REGARD ADJUSTMENT
OF THE MULTIANNUAL FINANCIAL FRAMEWORK

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Interinstitutional Agreement between the European Parliament, the Council and the Commission of 17 May 2006 on budgetary discipline and sound financial management ⁽¹⁾, and in particular to Point 48 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) As a result of delays in the adoption of certain operational programmes of Headings 1b and 2, EUR 2 034 million in current prices of the allocation provided for the Structural Funds, the Cohesion Fund, Rural Development and the European Fund for Fisheries could not be committed in 2007 nor carried over to 2008. Under point 48 of the Interinstitutional Agreement, this amount must be transferred to subsequent financial years by increasing the corresponding expenditure ceilings for commitment appropriations.
- (2) Annex I of the Interinstitutional Agreement on budgetary discipline and sound financial management should therefore be amended accordingly ⁽²⁾,

HAVE DECIDED AS FOLLOWS:

Sole Article

Annex I to the Interinstitutional Agreement on budgetary discipline and sound financial management is replaced by the Annex to this Decision.

Done at Brussels, 29 April 2008

For the European Parliament
The President

For the Council
The President

⁽¹⁾ OJ C 139, 14.6.2006, p. 1. Agreement as amended by Decision 2008/29/EC of the European Parliament and of the Council (OJ L 6, 10.1.2008, p. 7).

⁽²⁾ For that purpose, the figures in current prices are converted into 2004 prices.

ANNEX II

FINANCIAL FRAMEWORK 2007-2013

(million EUR — constant 2004 prices)

COMMITTEE APPROPRIATIONS	2007	2008	2009	2010	2011	2012	2013	Total 2007-2013
1. Sustainable growth	50 865	53 262	54 071	54 860	55 400	56 866	58 256	383 580
1a Competitiveness for Growth and Employment	8 404	9 595	10 209	11 000	11 306	12 122	12 914	75 550
1b Cohesion for Growth and Employment	42 461	43 667	43 862	43 860	44 094	44 744	45 342	308 030
2. Preservation and Management of Natural Resources	51 962	54 685	54 017	53 379	52 528	51 901	51 284	369 756
of which: market-related expenditure and direct payments	43 120	42 697	42 279	41 864	41 453	41 047	40 645	293 105
3. Citizenship, freedom, security and justice	1 199	1 258	1 380	1 503	1 645	1 797	1 988	10 770
3a Freedom, Security and Justice	600	690	790	910	1 050	1 200	1 390	6 630
3b Citizenship	599	568	590	593	595	597	598	4 140
4. EU as a global player	6 199	6 469	6 739	7 009	7 339	7 679	8 029	49 463
5. Administration ⁽¹⁾	6 633	6 818	6 973	7 111	7 255	7 400	7 610	49 800
6. Compensations	419	191	190					800
TOTAL COMMITMENT APPROPRIATIONS	117 277	122 683	123 370	123 862	124 167	125 643	127 167	864 169
as a percentage of GNI	1,08 %	1,09 %	1,07 %	1,05 %	1,03 %	1,02 %	1,01 %	1,048 %
TOTAL PAYMENT APPROPRIATIONS	115 142	119 805	112 182	118 549	116 178	119 659	119 161	820 676
as a percentage of GNI	1,06 %	1,06 %	0,97 %	1,00 %	0,97 %	0,97 %	0,95 %	1,00 %
Margin available	0,18 %	0,18 %	0,27 %	0,24 %	0,27 %	0,27 %	0,29 %	0,24 %
Own resources Ceiling as percentage of GNI	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %	1,24 %

⁽¹⁾ The expenditure on pensions included under the ceiling for this heading is calculated net of the staff contributions to the relevant scheme within the limit of EUR 500 million at 2004 prices for the period 2007-2013.

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2009 budget, Section III — Commission: budgetary framework and priorities for 2009

P6_TA(2008)0175

European Parliament resolution of 24 April 2008 on the budgetary framework and priorities for 2009 (2008/2024(BUD))

(2009/C 259 E/29)

The European Parliament,

- having regard to the Commission's updated Financial Programming 2007-2013, as submitted on 31 January 2008 in accordance with Point 46 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾,
 - 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 on its Annual Policy Strategy for 2009 (COM(2008)0072), and in particular Part II thereof,
 - having regard to the aforementioned Interinstitutional Agreement (IIA) of 17 May 2006,
 - having regard to Article 272 of the EC Treaty and Article 177 of the Euratom Treaty,
 - having regard to Rule 112(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets (A6-0084/2008),
- A. whereas 2008 is the year of ratification of the Lisbon Treaty, foreseen to enter into force in 2009, moving important policy areas from the intergovernmental sphere to the Community framework and granting new competencies to the European Union, all of which will have an important impact on the EU budget,
- B. whereas the Lisbon Treaty, once ratified, will finally place the European Parliament on an equal footing with the Council in the legislative and the budgetary field; whereas the differentiation between compulsory and non-compulsory expenditure will be abandoned and the annual budgetary procedure as a whole will have to undergo fundamental changes as a consequence of the provisions of the new treaty,
- C. whereas 2009 will bring a new European Parliament and a new European Commission,
1. Stresses that the implementation of the new treaty will require the European Parliament, the Council and the Commission to agree on the modifications to the relevant budgetary and legislative instruments and a new set of rules to ensure a smooth running of the new budgetary procedure while fully respecting the new inter-institutional balance between the three institutions as laid down in the Lisbon Treaty; is convinced of the absolute necessity to start preparations as soon as possible in parallel to the budgetary procedure 2009 to be ready for the new procedure for the budget 2010;
 2. Notes that, in 2008, preparations for the full and wide-ranging review covering all aspects of EU spending, including the Common Agricultural Policy, and of resources, including the United Kingdom rebate and the customs collection premiums collected by the Member States on behalf of the EU, will have to be intensified to allow the Commission to report by 2009; recalls the obligation stipulated in the IIA of 17 May 2006 to associate the European Parliament with the review at all stages and take its position duly into account;

⁽¹⁾ OJ C 139, 14.6.2006, p. 1. Agreement as amended by Decision 2008/29/EC of the European Parliament and of the Council (OJ L 6, 10.1.2008, p. 7).

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3. Emphasises that the principle of solidarity has to remain one of the guiding principles of the EU and that solidarity with the regions is considered to be of the utmost importance as well as its inevitable funding expressing this solidarity; reiterates that it will closely monitor the progress regions are making in their development; points out that outstanding payments in this context are of great concern because they could cause budgetary problems in the very near future;
4. Repeats its conviction that the real challenges the EU and its citizens face in the future require a flexible approach and emphasises the need for transparency and coherence between legislative priorities and budgetary decisions; requests therefore the Commission to provide a more detailed breakdown of the proposed changes to the financial programming summarised in part II of the Annual Policy Strategy document, showing the budget lines involved;
5. Takes note that the Commission, in its Communication on the Annual Policy Strategy for 2009, has presented its political priorities with a clear focus on growth and jobs, climate change and sustainable Europe; emphasises that these political priorities should be supported by new budgetary priorities in order for the EU to play a concrete role; recalls and regrets, however, that the margins available under the different expenditure ceilings of the multiannual financial framework (MFF) restrict the room for manoeuvre to finance new priorities such as those proposed by the Commission without jeopardising old ones; calls on the Commission to provide more exhaustive information in relation to the above financial difficulties;
6. Considers the 'Small Business Act' being prepared by the Commission (see COM(2007)0724) a very important strategy to support Small and Medium-Sized Enterprises; notes that a financial framework and legislative acts are also required to support SMEs in the most appropriate way;
7. Is deeply concerned that, for 2009, the Commission has already embarked on a re-prioritisation exercise, especially in those headings of the MFF which have a particularly small margin; realises that, eventually, some re-assessment of EU activities on the basis of an appropriate evaluation might become unavoidable since, in times when resources are scarce, it may not remain feasible simply to add new priorities without additional appropriations and a prior assessment of old ones; stresses, however, that any decisions on re-prioritisation must be taken by Parliament and Council and not be pre-empted by the Commission;
8. Emphasises that Parliament will use all the means foreseen by the IIA of 17 May 2006 including, *inter alia*, the use of the legislative flexibility of 5 % over the MFF period 2007-2013 in order to see its political priorities carried through; asks the Commission, in preparing the preliminary draft budget (PDB) for 2009, to produce clear, consistent and sound activity statements for each policy area in order to enable all relevant European Parliament committees to thoroughly scrutinise the implementation and expected advancement of the different EU programmes and policies;
9. Points out the importance of the principle of 'sound budgeting' and recalls that achieving value for money and a budget for results remain an objective; asks the Commission to prepare a PDB that gives a realistic picture of all budgetary needs for 2009, especially in Heading 4 of the MFF, and to inform the Budgetary Authority on the expected financial needs in the longer term; wishes to recall that the Flexibility Instrument is intended for the financing of unforeseen political challenges and should not be misused in the course of the budgetary procedure to finance EU policies and activities that are already foreseeable;
10. Is determined to use the full amounts provided for pilot projects and preparatory actions in Annex II, Part D, of the IIA of 17 May 2006, if the number and volume of such proposed projects and actions should make this necessary; considers pilot projects and preparatory actions an indispensable tool for Parliament to pave the way for new policies and activities that are in the interest of European citizens; believes that it is essential to emphasise support for those projects already successfully under way; stresses that sufficient margins must be available to allow Parliament full use of this tool within the framework of the IIA of 17 May 2006; aims to inform the Commission of its intentions regarding pilot projects and preparatory actions before Parliament's summer recess;

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11. Considers a clear and transparent presentation of the EU's budget an absolute necessity also with regard to the need to communicate to European citizens how EU money is spent; is aware that activity-based budgeting aims to match financial and human resources to political objectives according to the policy areas of Commission spending; is concerned, however, that differentiating between operational and administrative expenditure of the Commission has become increasingly difficult and that an already substantial amount of what is, in reality, administrative expenditure is financed from operational allocations;

12. Notes with concern that also in the field of human resources, the Commission's outsourcing tendencies, together with the latest changes in the Staff Regulations, have led to a situation where an increasing number of staff employed by the EU is neither visible in the institutions' establishment plans as adopted by the budgetary authority nor paid under Heading 5 of the MFF; deeply regrets this lack of transparency; calls for a public and comprehensive discussion amongst all stakeholders on the future of European governance;

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

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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