

Official Journal

of the European Union

C 349 E



English edition

Information and Notices

Volume 53

22 December 2010

<u>Notice No</u>	<u>Contents</u>	<u>Page</u>
I	<i>Resolutions, recommendations and opinions</i>	
	RESOLUTIONS	
	European Parliament	
	2010-2011 SESSION	
	Sittings of 9 to 11 March 2010	
	The Minutes of this session have been published in OJ C 131 E, 20.5.2010.	
	TEXTS ADOPTED	
	Tuesday 9 March 2010	
2010/C 349 E/01	Consumer protection European Parliament resolution of 9 March 2010 on consumer protection (2009/2137(INI))	1
2010/C 349 E/02	SOLVIT European Parliament resolution of 9 March 2010 on SOLVIT (2009/2138(INI))	10
2010/C 349 E/03	Report on Competition Policy 2008 European Parliament resolution of 9 March 2010 on the Report on Competition Policy 2008 (2009/2173(INI))	16
2010/C 349 E/04	Internal Market Scoreboard European Parliament resolution of 9 March 2010 on the Internal Market Scoreboard (2009/2141(INI))	25
	Wednesday 10 March 2010	
2010/C 349 E/05	EU 2020 - Follow-up of the informal European Council of 11 February 2010 European Parliament resolution of 10 March 2010 on EU 2020	30

EN

(Continued overleaf)

<u>Notice No</u>	<u>Contents (continued)</u>	<u>Page</u>
2010/C 349 E/06	Implementation of Goldstone recommendations on Israel/Palestine European Parliament resolution of 10 March 2010 on implementation of the Goldstone recommendations on Israel/Palestine	34
2010/C 349 E/07	Situation of civil society and national minorities in Belarus European Parliament resolution of 10 March 2010 on the situation of civil society and national minorities in Belarus	37
2010/C 349 E/08	Taxation of financial transactions European Parliament resolution of 10 March 2010 on financial transaction taxes – making them work	40
2010/C 349 E/09	Single Euro Payments Area (SEPA) European Parliament resolution of 10 March 2010 on the implementation of the Single Euro Payments Area (SEPA)	43
2010/C 349 E/10	Anti-Counterfeiting Trade Agreement (ACTA) European Parliament resolution of 10 March 2010 on the transparency and state of play of the ACTA negotiations	46
2010/C 349 E/11	Regulation applying a scheme of generalised tariff preferences European Parliament resolution of 10 March 2010 on the regulation applying a scheme of generalised tariff preferences	49
2010/C 349 E/12	2008 annual report on the CFSP European Parliament resolution of 10 March 2010 on the annual report from the Council to the European Parliament on the main aspects and basic choices of the Common Foreign and Security Policy (CFSP) in 2008, presented to the European Parliament in application of Part II, Section G, paragraph 43 of the Interinstitutional Agreement of 17 May 2006 (2009/2057(INI))	51
2010/C 349 E/13	Implementation of the European Security Strategy and the Common Security and Defence Policy European Parliament resolution of 10 March 2010 on the implementation of the European Security Strategy and the Common Security and Defence Policy (2009/2198(INI))	63
2010/C 349 E/14	Non-proliferation Treaty European Parliament resolution of 10 March 2010 on the Treaty on the Non-Proliferation of Nuclear Weapons	77
Thursday 11 March 2010		
2010/C 349 E/15	Cuba European Parliament resolution of 11 March 2010 on prisoners of conscience in Cuba	82
2010/C 349 E/16	Investing in Low Carbon Technologies European Parliament resolution of 11 March 2010 on investing in the development of low carbon technologies (SET-Plan)	84
2010/C 349 E/17	Effects of the Xynthia storm in Europe European Parliament resolution of 11 March 2010 on the major natural disaster in the autonomous region of Madeira and the effects of the storm 'Xynthia' in Europe	88

Tuesday 9 March 2010

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

Consumer protection

P7_TA(2010)0046

European Parliament resolution of 9 March 2010 on consumer protection (2009/2137(INI))

(2010/C 349 E/01)

The European Parliament,

- having regard to the Commission communication of 28 January 2009 entitled 'Monitoring consumer outcomes in the single market – Second edition of the Consumer Markets Scoreboard' (COM(2009)0025) and to the accompanying Commission staff working document entitled 'Second Consumer Markets Scoreboard' (SEC(2009)0076),
 - having regard to the Commission communication of 2 July 2009 on the enforcement of the consumer *acquis* (COM(2009)0330),
 - having regard to the Commission report of 2 July 2009 on the application of Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation) (COM(2009)0336),
 - having regard to the Commission communication of 7 July 2009 on a harmonised methodology for classifying and reporting consumer complaints and enquiries (COM(2009)0346) and to the accompanying draft Commission recommendation (SEC(2009)0949),
 - having regard to the Commission staff working document of 22 September 2009 on the follow up in retail financial services to the Consumer Markets Scoreboard (SEC(2009)1251),
 - having regard to its resolution of 18 November 2008 on the Consumer Markets Scoreboard ⁽¹⁾,
 - having regard to Rules 48 and 119(2) of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A7-0024/2010),
- A. whereas the Consumer Markets Scoreboard (the Scoreboard), along with the Internal Market Scoreboard, aims to improve the functioning of the internal market and make it more responsive to the expectations and concerns of citizens,

⁽¹⁾ Texts adopted, P6_TA(2008)0540.

Tuesday 9 March 2010

- B. whereas, in the political guidelines for the next Commission, President Barroso calls for a more systematic and integrated approach to completing the single market, for example through 'a market monitoring initiative',
- C. whereas the 499 million consumers in the EU are central to the effective functioning of the internal market and have a crucial role to play in achieving the Lisbon agenda goals of increasing growth, employment and competition, since consumer expenditure generates half of the EU's wealth,
- D. whereas, as part of the Post-Lisbon Strategy 2020, policy on consumers should be geared to sustainable development which respects the environment and devotes attention to the social dimension of the internal market,
- E. whereas an internal market that responds efficiently to consumer demands also helps to deliver a more innovative and healthy economy, given that efficient and responsive consumer markets across the economy are key drivers of competitiveness and citizens' welfare,
- F. whereas a well-functioning internal market should offer consumers a wide choice of high-quality products and services at competitive prices and, at the same time, a high level of consumer protection,
- G. whereas it is in their role as consumers that most EU citizens experience the internal market on a daily basis,
- H. whereas the effectiveness of consumer policy will be enhanced by consumers and businesses knowing their rights and obligations under existing legislation and being able to apply them to their commercial transactions,
- I. whereas confident, well-informed and empowered consumers are key to the efficient functioning of markets, as they reward traders who operate fairly and respond best to consumers' needs,
- J. whereas an active consumer policy – by creating informed and empowered consumers who will in turn demand high quality products and services – will play an important role in making the European Union globally competitive, dynamic, and innovative,
- K. whereas the increased complexity of retail markets, and particularly the retail services market, makes it more and more difficult for consumers to make an informed choice when purchasing goods and services,
- L. whereas a coordinated approach to consumer education is necessary for enabling consumers to act confidently when exercising their rights,
- M. whereas consumers have a right to compensation when they are affected by illegal practices, but in reality they face substantial barriers in bringing such cases to court due to high costs, long and complex procedures and the risks associated with litigation,
- N. whereas the Scoreboard shows that only four out of ten consumers find it easy to resolve disputes with sellers and providers through alternative dispute-resolution mechanisms and only three out of ten find it easy to resolve disputes through the courts,
- O. whereas about half of EU consumers who make a complaint are not satisfied with the way their complaint is dealt with and only half of them take further action,

Tuesday 9 March 2010

- P. whereas the economic crisis has increased pressure on low-income consumer groups, who are spending most of their revenue on food and housing, and whereas growing numbers of consumers are consequently becoming over-indebted,
- Q. whereas the cross-border dimension of consumer markets is growing rapidly with the emergence of e-commerce but consumers remain reluctant to reap the benefits that market integration provides, mainly because they do not feel confident that their rights will be equally protected when making cross-border purchases and because of uncertainty over the right to compensation,
- R. whereas a high level of consumer protection is crucial for the development of cross-border trade within a single market that meets consumers' needs,
- S. whereas the increasing cross-border dimension of consumer markets brings new challenges to enforcement authorities, which are constrained by jurisdictional boundaries and the fragmentation of the regulatory framework,
- T. whereas the Commission and national enforcement authorities need to increase their efforts in order to achieve a high level of consumer protection and to furnish consumers with the confidence to exploit the single market to its full potential,
- U. whereas EU consumer protection rules serve little purpose if they are not properly transposed, implemented and enforced at national level,
- V. whereas, once national legislation is in place, the Commission should be active in helping national authorities to apply the legislation in a correct manner,
- W. whereas, given the current economic downturn, strong and consistent enforcement is all the more important, as the crisis is causing increased consumer vulnerability, and low compliance levels may lead to additional consumer detriment, while enforcement authorities may face increased pressure on resources and must carefully establish their priorities and maximise the impact of their activities,
- X. whereas the European Parliament and national parliaments can actively contribute to improved transposition and enforcement of consumer protection legislation by continuing to work closely together,

Introduction

1. Takes the view that the appointment in 2007 of a dedicated Commissioner for Consumer Affairs and her strong personal engagement, great openness and very proactive role brought about progress in European consumer protection policy and consumer issues, much to the benefit of EU citizens;
2. Fears that splitting responsibility for consumer affairs between two Commissioners' portfolios may lead to a reduction of the consumer focus in the new Commission and, similarly, fears that the new organisational structure in different Directorates-General may cause fragmentation or adversely affect the coherence and effectiveness of consumer policy;
3. Stresses that, following the entry into force of the Lisbon Treaty, Article 12 of the Treaty on the Functioning of the European Union reaffirms – as a provision of general application – that consumer protection requirements should be taken into account in defining and implementing other Union policies and activities; calls on the Commission, therefore, to ensure the effective integration of consumer interests into all EU policies, and to examine in its impact assessments the potential effects of any new legislation and policies directly or indirectly affecting consumers; urges each relevant Commission Directorate-General to publish an annual report on how consumer policy is integrated into its area of responsibility;

Tuesday 9 March 2010

4. Stresses the need for an active consumer policy to enable citizens to benefit fully from the internal market; considers that an active consumer policy is all the more essential in the current economic crisis to support social policy in fighting against growing inequalities and to protect vulnerable consumers and low income groups;

5. Emphasises that consumers should be able to make informed choices, without being subject to psychological conditioning by producers making tendentious or untruthful claims about products, as this generates greater competition among traders to raise the quality of the goods and services they provide and to keep prices at competitive levels;

6. Believes that a responsible approach by the business world, with respect for the principle of corporate responsibility, the rules of competition and consumers' economic interests, will help inspire confidence among consumers;

7. Reiterates that consumer organisations have a crucial role to play in alerting public authorities to the problems consumers experience in their daily lives and that the instruments at their disposal should be improved in order to improve their capacity to act effectively at EU and national level; calls on Member States to ensure that consumer organisations are adequately consulted at all stages of decision-making process and in the transposition and implementation of consumer law;

8. Calls on the Commission and the Member States to strengthen consumer awareness and training in order to empower consumers throughout their lives; encourages Member States to ensure that clear and intelligible information is provided, in particular, to young consumers for products and services aimed at them; encourages, in particular, Member States to include consumer aspects in their national curricula at all levels of education in order to equip children with the necessary skills to take complex decisions later in life, and to consider educational programmes for parents and adult consumers, with the longer-term aim of developing and consolidating consumer awareness; points out that these programmes should be geared to educational requirements and student capabilities at each level while making use of modern teaching methods based on real-life experience and examples; recalls that educated consumers who are aware of their rights and who know where to turn in the event of non-compliance are also important for detecting non-compliant behaviour;

9. Stresses the need to promote sustainable consumption, emphasising the fact that service providers and retailers, as well as consumers, must be better educated and informed with regard to the concept of sustainable consumption so that they can adapt their behaviour accordingly;

10. Urges the Commission and the Member States to launch a well-targeted communication strategy in order to raise awareness amongst EU citizens of the risks of exposure and of their rights as consumers, in particular by putting in place user-friendly web portals, awareness-raising campaigns and information points at local, regional and national level; stresses the need to use specific communication channels to reach the most vulnerable consumers, by ensuring the reliability, credibility and impartiality of the organisations responsible for the management and organisation of communications media;

The Consumer Markets Scoreboard

11. Reaffirms that the Scoreboard is an important tool for improved monitoring of consumer markets, with a view to providing information useful in ensuring better policymaking and regulation, and also for demonstrating to citizens that their concerns are duly taken into account;

12. Welcomes the five main indicators in the Scoreboard – complaints, prices, satisfaction, switching and safety – which are important in identifying those markets at greatest risk of malfunctioning in terms of economic and social outcomes for consumers; considers, however, that criteria should also be applied which will make it possible to measure the extent to which goods and services accord with the objective of sustainable development;

Tuesday 9 March 2010

13. Acknowledges that, although the five indicators do not capture all aspects of the consumer environment, they provide a sufficient basis for setting priorities and drawing conclusions as to where further analysis is needed, provided that the information provided by Member States is comprehensive and can be compiled on an easily comparable basis;

14. Considers that the current evidence on consumer complaints, prices, satisfaction, switching and safety is still not sufficient to draw definite conclusions and that more high-quality data are needed in order to develop a solid consumer evidence base; stresses that indicators therefore need to be further developed and data collection needs to be organised taking into account the differences between national systems;

15. Suggests that, once the five basic indicators and the associated methodology have been sufficiently developed to produce results of high quality, the Commission should consider including in the Scoreboard additional long-term indicators such as those relating to market shares, quality, advertising, transparency and comparability of offers, indicators related to enforcement and consumer empowerment, social, environmental and ethical indicators, as well as indicators to measure redress and consumer detriment; considers, however, that this should be done gradually in order to ensure a focused and intelligible Scoreboard, with a view to ensuring a more comprehensive approach to consumer protection and enabling consumers to benefit fully from the advantages offered by the internal market;

16. Reiterates that the Scoreboard should cover all the main categories of consumer expenditure, in order to identify the most problematic markets and set the ground for further, more detailed sector-specific analysis, in particular where evidence reveals problems common to different markets; calls, therefore, on the Commission and the Member States to ensure adequate financing and staffing for the further development of the Scoreboard;

17. Is aware that consumers are less satisfied, and experience more problems, with services than with goods, which partly reflects the greater complexity of contractual relations and of delivery in respect of services; urges the Commission to carry out in-depth analyses of all problematic sectors identified in the Scoreboard; calls also on the Commission to ensure that such exercises are followed up, where appropriate, with specific legislative initiatives and policy recommendations for Member States, and to provide feedback to Parliament;

18. Welcomes the interest and quality of the work done by the Commission in its study on retail financial services, published as a follow-up to the Scoreboard; notes the problems identified in the field of financial services, further aggravated by the financial crisis; welcomes in particular the revelations which emerged from this study regarding, for example, major problems concerning the transparency and comparability of current-account costs in the EU; considers that all appropriate conclusions should be drawn as to the need for better regulation of this sector;

19. Points out that, while consumer complaints are important in detecting market malfunctioning, an absence of complaints does not always mean that markets are functioning well, since in some Member States consumers have less of a tendency to complain due to different consumer traditions or perceptions of the likelihood of success; points out, on the other hand, that a high number of complaints in a single Member State should not necessarily be interpreted as a sign of a failing market but may be due to the presence of effective complaint-handling bodies or a recent information campaign on consumer rights;

20. Notes that there are more than 700 third-party organisations collecting consumer complaints in the EU but the arrangements for doing so differ considerably and relatively few such organisations collect data about the nature of the complaint and the sector concerned; considers that, while this might be sufficient for purposes of offering advice or information, it is not at all adequate for identifying potential market failures from a consumer perspective; calls on all complaints bodies, therefore, to adopt a harmonised methodology for classifying and reporting consumer complaints and encourages them to report complaints data corresponding to all fields – recommended and voluntary – proposed by the Commission in its draft recommendation; believes that the development of a harmonised methodology will allow Member States to collect more meaningful data and to construct a more complete picture of national consumer markets, leading to the establishment of an EU-wide database which will enable comparison of consumer problems across the EU;

Tuesday 9 March 2010

21. Draws attention to the analysis of the available price data which shows unexplained cross-border variations in a number of goods and services; considers that, although price differences are often linked to differences in demand, expenditure levels, taxes or cost structure, they are also often a sign of internal market fragmentation or malfunctioning; suggests that, where the price of a given product is higher than a benchmark, it is necessary to look at the relationship between import and consumption prices and to examine carefully the reasons for the different price levels;

22. Believes that the available price data are not sufficient for monitoring the internal market properly and calls on the national statistical offices and Eurostat to work together with the Commission to provide more data and to develop further the methodology for collecting average prices of comparable and representative goods and services; recalls, in this context, that national statistical offices need to validate, and to participate more fully in the work of gathering data on, and calculating, average prices; stresses that the provision of more transparent price data would inspire greater confidence among consumers and would show them that their everyday concerns are being addressed;

23. Acknowledges that consumer satisfaction is an important indicator in understanding how well or poorly markets are delivering for consumers; asks the Commission to develop further its methodology and measuring techniques for carrying out consumer satisfaction surveys and to cover additional sectors in the future;

24. Holds the view that the ability to switch providers is an essential feature of competition in a market economy; urges the Commission and the Member States to take measures to facilitate switching in all important retail services;

25. Notes that surveys indicate a generally high level of consumer confidence in product safety although consumer perceptions of safety differ significantly between Member States; asks the Commission and the Member States to improve the data currently available on the safety of consumer products, which are compiled mainly on the basis of reported accidents and injuries from defective products, or through risk notification systems; stresses in particular the need for vigilance on the safety of toys;

26. Urges all Member States, in the interests of improving consumer safety, to collect systematically and record details of accidents or injuries in a common database;

27. Notes that the prevalence of cross-border activity still varies significantly across the EU, and although average expenditure on cross-border purchases is considerable (EUR 737 per person per year), the great majority (75 %) of retailers sell only to consumers in their own country, while only a quarter of EU consumers make cross-border purchases; considers that, while there are a number of structural barriers, such as language, distance, and differences in consumer protection law, stronger consumer confidence would substantially increase the levels of cross-border trade; considers that the development of cross-border trade should not reduce the level of regulation but, on the contrary, that it renders even more necessary efforts to maintain an optimal level of consumer protection in the EU;

28. Takes note of the fact that online shopping is becoming more widespread but cross-border e-commerce is not developing as fast as domestic shopping; asks the Commission to include in future Scoreboards more complete data on the real level of cross-border sales and the problems encountered by cross-border consumers;

29. Notes that just over half of EU consumers (51 %) feel that they are adequately protected by existing consumer measures, more than half (54 %) believe that public authorities protect their rights well and a slightly higher proportion (59 %) believe that sellers and providers respect their rights;

30. Stresses that almost a third (30 %) of EU consumers who have made a distance purchase over the Internet, by telephone or by post report that they have experienced delivery problems; notes, however, that nine out of ten of those who tried to return a purchase or to cancel a contract within the cooling-off period managed to do so;

Tuesday 9 March 2010

31. Recalls that several Member States have developed tools, such as price observatories, to monitor their national markets from the consumer perspective or comprehensive complaints systems to inform policy-making, whereas other Member States do not use data to monitor consumer markets and have difficulties in aggregating data; with this in mind, stresses the need for exchanges of best practices between Member States;

32. Emphasises that significant input from national statistical offices and Eurostat, as well as close cooperation between these bodies, the Commission, consumer policymakers, national enforcement authorities and consumer and business organisations, will be crucial in ensuring the quality and completeness of data and further developing the evidence base needed; calls on Eurostat, the Member States and all stakeholders to take steps to facilitate such cooperation;

33. Takes the view that market-relevant data can play a crucial role in driving both innovation and competitiveness; emphasises, therefore, the importance of the Scoreboard as an enabling tool for identifying consumer preferences and demands; notes that this data can stimulate innovation by providing businesses with incentives to enter new markets and creating pressure on firms to improve their products and services;

34. Takes the view that the Scoreboard, once backed up by reliable and easily comparable data for the 27 Member States, should serve as a rich source of comparative data for national policymakers in competition, consumer and other policy areas and should help them to identify at national level the markets that do not function well for consumers;

35. Calls on the Commission to benchmark the consumer environment in each Member State, taking account of differences in consumer law and consumer traditions; reiterates that comparing consumer outcomes between Member States and benchmarking the consumer environment across the EU helps identify best practices and ultimately deliver an internal market that works for consumers;

36. Encourages all Member States to carry out a broad market-monitoring exercise on an annual basis in order to identify markets which are failing for consumers and to provide complete data that will allow the Commission to monitor and compare the problems faced by consumers in the internal market;

37. Maintains that the Scoreboard should not only be used to deliver a better consumer policy but must also feed through all policies that affect consumers, ensuring thereby a better integration of consumer interests into all EU policies and incorporation of the objective of sustainable development into consumer protection policy; underlines that the Scoreboard should also stimulate a more general debate on consumer policy issues;

38. Asks the Commission to develop, with the support of the Member States, a strategy to communicate the Scoreboard better to a wider audience, inter alia by ensuring that it is easily accessible and visible on relevant websites, and to promote its proper dissemination to the media, national authorities, consumer organisations and other stakeholders; considers that it is necessary to continue annual publication of the Scoreboard in a brochure and to make it available in all the official EU languages; calls on the Commission and Member States to take appropriate steps to promote the use by European citizens of the 'eYou Guide' website, which was specially set up by the Commission as a guide to citizens' rights;

Enforcement of the consumer acquis

39. Welcomes the five priority action areas identified by the Commission in its communication on the enforcement of the consumer acquis;

40. Emphasises that the effective implementation and enforcement of EU consumer protection rules acts as a driver for increasing consumer confidence and as a forceful deterrent to businesses seeking to evade those rules; calls on the Commission to closely monitor, and help Member States with, the transposition and implementation of the EU consumer acquis; invites the Commission, in that context, to explore options, using the legal basis provided by Article 169 of the Treaty on the Functioning of the European Union, for raising the profile of consumer protection policy through measures that support and supplement Member State policies, potentially including the creation of a European Consumer Agency;

Tuesday 9 March 2010

41. Notes that enforcement across the EU is far from uniform and that most countries have strong and weak points; points out that figures show important differences between Member States in terms of budgets for market surveillance and numbers of inspectors involved; urges Member States to redouble their efforts and increase resources in order to ensure that laws protecting consumers and guaranteeing competition are enforced in retail markets;

42. Considers that enhancing market surveillance and enforcement mechanisms and applying them efficiently and comprehensively to encourage consumer confidence is crucial, as consumer spending will be an important factor for the economic recovery; takes the view that public authorities must be given more resources to investigate and ultimately stop illegal commercial practices;

43. Stresses that consumer markets evolve rapidly and enforcement authorities must be able to face the new challenges that economic and technological changes bring to their ability to be effective in a cross-border environment such as the internal market, and, in order to achieve this, efforts must be combined to make enforcement effective and consistent throughout the EU; considers that a review of the regulatory framework is also necessary to fill any regulatory gaps;

44. Encourages the establishment in all Member States of independent consumer protection agencies to provide information and bring proceedings before national courts in order to protect consumers' interests; encourages, accordingly, cooperation between consumer protection agencies in all Member States;

45. Urges all Member States to consider the benefits of introducing a Consumer Ombudsman; points out that this institution exists in some Member States as an extrajudicial body for the amicable settlement of consumer disputes and also as a consultative body working alongside the State to resolve problems falling within its remit;

46. Shares the Commission's view that alternative dispute-resolution mechanisms, such as mediation and arbitration or out-of-court settlements, can be an expedient and attractive option for consumers who have been unsuccessful in informally resolving their dispute with a trader or a publicly owned organisation providing services; urges Member States to encourage the development of alternative dispute-resolution mechanisms to enhance the level of consumer protection and maximise compliance with legislation, but emphasises that such mechanisms should complement, rather than replace, judicial or administrative means of enforcement; considers also that the setting of fixed deadlines for replies from agencies and undertakings in respect of practices reported could significantly help consumers who plan to take action to resolve a dispute;

47. Recalls that evidence shows major differences between Member States and room for improvement in terms of redress mechanisms; recalls that judicial collective redress systems currently exist in 13 Member States and calls on the Commission to provide follow-up to its Green Paper of 27 November 2008 on Consumer Collective Redress (COM(2008)0794) as quickly as possible;

48. Stresses the need for proper training and education of civil servants and judicial authorities as regards EU consumer protection rules;

49. Notes that the Consumer Protection Cooperation Network review indicates that the authorities handling cross-border cases are experiencing difficulties due to lack of resources; calls on the Commission to examine ways of securing adequate resources in order to comply with existing obligations under the Regulation on consumer protection cooperation;

50. Expresses its support for concerted enforcement actions (sweeps), in which national authorities simultaneously screen a targeted sector for compliance with EU legislation; stresses that such actions should be carried out more frequently (twice yearly), on the basis of a common methodology, and should be combined with other tools;

Tuesday 9 March 2010

51. Recognises the legal complexity surrounding the publication of the results of market surveillance and enforcement activities, and the fact that investigative work is often subject to strict confidentiality rules, but holds the view that the Commission and the Member States should make such results public, providing a breakdown by individual company, in cases where a recurrence of illegal practices has been identified; considers that this will ensure greater transparency, give more visibility to the national authorities' enforcement work and enable consumers to make well-informed choices;

52. Calls for the strengthening of market surveillance structures in all Member States so that products circulating on their markets meet high safety standards and defective or dangerous products are rapidly removed from the market; calls on the Commission to monitor and periodically revise the guidelines for the rapid alert system, RAPEX, in order to improve its functioning;

53. Calls on the Commission, in this connection, to do more to monitor the Member States' implementation of the market surveillance regulations, particularly Regulation (EC) 765/2008, and, if necessary, to bring infringement proceedings without delay;

54. Supports the Commission's efforts to analyse the latest technical surveillance possibilities in order to ensure global traceability of products throughout the supply chain (e.g. using RFID tags or barcodes); calls on the Commission to present to Parliament its current initiatives and latest findings in relation to the development of a global traceability network;

55. Recalls that the European Consumer Centres Network needs appropriate funding in order to promote consumer confidence by advising citizens on their rights as consumers and by providing easy access to redress in cases where consumers have made cross-border purchases;

56. Points out that, given the ever-growing volume of imports into the EU from third countries, customs authorities have an important role in protecting consumers from imported unsafe products, and that ever-closer cooperation is therefore required between market surveillance and customs authorities and also between the customs authorities of different Member States;

57. Stresses that ensuring the safety of products circulating within the internal market necessitates combining efforts with third-country authorities; supports, therefore, the Commission's initiative to step up international cooperation and pursue formal agreements with enforcement authorities in third countries, in particular China, the USA and Japan; notes that continued dialogue and information-sharing on product safety is in the interest of all parties and central to building consumer confidence; calls on the Commission to report back to Parliament on its dialogue with third countries at regular intervals;

*

* *

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

Tuesday 9 March 2010

SOLVIT

P7_TA(2010)0047

European Parliament resolution of 9 March 2010 on SOLVIT (2009/2138(INI))

(2010/C 349 E/02)

The European Parliament,

- having regard to the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on Effective Problem Solving in the Internal Market ('SOLVIT') ⁽¹⁾,
- having regard to the Commission Recommendation of 7 December 2001 on principles for using 'SOLVIT' – the Internal Market Problem Solving Network ⁽²⁾,
- having regard to the Council Conclusions of 1 March 2002, whereby the Council confirmed the commitment of Member States to the effective operation of the SOLVIT system and to its principles,
- having regard to the Commission Recommendation of 12 July 2004 on the transposition into national law of Directives affecting the internal market ⁽³⁾,
- having regard to the Commission staff working paper of 20 July 2005 on an Action plan to improve communicating Europe by the Commission ⁽⁴⁾, *inter alia* by streamlining information and assistance networks supported by the Commission,
- having regard to the Commission staff working paper of 8 May 2008 on an Action plan on an integrated approach for providing Single Market Assistance Services to citizens and business ⁽⁵⁾,
- having regard to the Commission staff working paper on Internal Market Scoreboard No 19 ⁽⁶⁾,
- having regard to its resolution of 4 September 2007 on the Single Market Review: tackling barriers and inefficiencies through better implementation and enforcement ⁽⁷⁾,
- having regard to its resolution of 23 September 2008 on the Internal Market Scoreboard ⁽⁸⁾,
- having regard to the SOLVIT 2008 Report entitled 'Development and performance of the SOLVIT network in 2008' ⁽⁹⁾,
- having regard to the Commission Recommendation of 29 June 2009 on measures to improve the functioning of the single market ⁽¹⁰⁾,

⁽¹⁾ COM(2001)0702.

⁽²⁾ OJ L 331, 15.12.2001, p. 79.

⁽³⁾ OJ L 98, 16.4.2005, p. 47.

⁽⁴⁾ SEC(2005)0985.

⁽⁵⁾ SEC(2008)1882.

⁽⁶⁾ SEC(2009)1007.

⁽⁷⁾ OJ C 187 E, 24.7.2008, p. 80.

⁽⁸⁾ Texts adopted, P6_TA(2008)0421.

⁽⁹⁾ SEC(2009)0142.

⁽¹⁰⁾ OJ L 176, 7.7.2009, p. 17.

Tuesday 9 March 2010

- having regard to the Council conclusions (Competitiveness - Internal Market, Industry and Research) of 24 September 2009 on 'How to make the Internal Market work better' ⁽¹⁾,
 - having regard to the Commission staff working document on Commission activities to improve the functioning of the single market ⁽²⁾,
 - having regard to the Commission staff working document on administrative cooperation in the single market ⁽³⁾,
 - having regard to Rule 119(2) of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on Petitions (A7-0027/2010),
- A. whereas the Commission, Parliament, the European Ombudsman and the Member States need to do more to define and provide information on citizens' rights and to help citizens enjoy those rights; whereas this would also enable the internal market to work better,
- B. whereas increasing transparency is key to overcoming obstacles to movement across borders and to enforcing free-movement rights,
- C. whereas there needs to be a marked improvement on the part of the Commission and the Member States in raising awareness of the opportunities that the internal market offers for citizens and businesses,
- D. whereas the internal market has made major progress but obstacles to its full and proper functioning still exist,
- E. whereas, when internal market rules are misapplied, speedy redress not necessarily involving legal action needs to be available,
- F. whereas the SOLVIT network, when it is fully operational, will be able to prevent excessive recourse being had to the judicial system, where procedures are often complex, and mechanisms for guaranteeing the defence of individuals frequently hamper access to justice,
- G. whereas training and cross-border exchanges, *inter alia* via the electronic networks set up by the Commission, are essential for better application of the Community's internal market *acquis*,
- H. whereas citizens and businesses rely on effective enforcement of internal market rules to help them to benefit fully from the internal market's potential,
- I. whereas Member States should, with the support of the Commission, improve problem-solving mechanisms' ability to help citizens assert their rights,

⁽¹⁾ Council document 13024/09.

⁽²⁾ SEC(2009)0881.

⁽³⁾ SEC(2009)0882.

Tuesday 9 March 2010

- J. whereas the SOLVIT network was created by the Commission and the Member States in 2002 with the aim of solving problems that arise for citizens and businesses due to the misapplication of internal market law,
- K. whereas SOLVIT is an online problem-solving network in which EU Member States (as well as Norway, Iceland and Liechtenstein) work together to solve – without legal proceedings – problems encountered by citizens and businesses as a result of the misapplication of internal market law by public authorities,
- L. whereas SOLVIT is considered a relatively successful system providing redress, without formal procedures, within an average of 10 weeks, and whereas the solving of internal market problems by SOLVIT could be a model of good practice for other Single Market Assistance Services,
- M. whereas, where deemed necessary by an individual Member State, especially with a view to *any* forthcoming publicity campaigns, SOLVIT's capacity should be increased to avoid problems of understaffing,
- N. whereas SOLVIT should, however, be neither a substitute for the Commission's legal work on infringements, nor an excuse to work less ambitiously in the Member States in order to transpose EU directives in a timely and proper fashion,
- O. whereas many citizens who have a problem relating to the internal market that comes within the scope of SOLVIT are not aware of SOLVIT and therefore turn to the European Ombudsman with their problem;

Introduction

- 1. Welcomes the Commission's initiative of July 2002 to establish the SOLVIT network of national administrations using an online inter-active database, which has been a successful tool which has enhanced transparency and created peer pressure to speed up problem resolution;
- 2. Calls on the Commission to use all its powers to ensure effective application of internal market rules in order to reduce the administrative burden on citizens and businesses;

Effective problem solving in the internal market

- 3. Highlights the fact that problems relating to the implementation of internal market rules are often detected through the SOLVIT network;
- 4. Emphasises that SOLVIT experience should be fed into national and EU policy-making, resulting in structural or regulatory changes where necessary;
- 5. Calls on the Commission systematically to include in the Internal Market and Consumer Market Scoreboards more detailed information on the application and enforcement of internal market legislation, both with a view to increasing transparency and as a useful tool for SOLVIT staff;
- 6. Calls for the Internal Market Scoreboard, the SOLVIT Report, the Citizens Signpost Service and the Consumer Market Scoreboard to be published at the same time once a year (not changing the frequency of their publication) in order to provide a global picture of the development of the internal market and to better coordinate the work that has been done in those areas while maintaining the particular nature of those instruments; calls on the Commission to consider including in the Consumer Market Scoreboard a detailed account of the progress, achievements and shortcomings of SOLVIT; calls on the Commission to take immediate action to resolve recurrent problems detected through the SOLVIT network;

Tuesday 9 March 2010

Horizontal problems identified at national level

7. Notes that some SOLVIT centres are understaffed, and that in 2008 the number of cases resolved decreased, while the average number of days needed for their resolution increased; calls on all SOLVIT centres to recruit staff who are appropriately qualified and experienced for the positions they will hold; takes the view that there should be more training for staff employed by SOLVIT; commends the work done by SOLVIT, in particular its case resolution rate, which has remained high (83 %) even though its workload increased in 2008 (rising by 22 % to 1 000 cases) and despite the fact that some SOLVIT centres are faced with staffing problems;

8. Notes that many citizens and small businesses are not sufficiently aware of the work of SOLVIT and that businesses either use commercial legal services in cases where SOLVIT could be used to their benefit or even accept requests to such effect from Member States, although those requests are not in accordance with the Community's internal market *acquis*; welcomes the fact that SOLVIT's activities have resulted in cost savings for European citizens and businesses, which are estimated to have amounted to EUR 32.6 million in 2008;

9. Notes that the portfolio of the ministry hosting the national SOLVIT centre in a given country may affect public perception of the type of work carried out by SOLVIT in that country and that the level of successful resolution and expedition of cases depends on the willingness and ability of Member States to cooperate closely with SOLVIT centres;

10. Calls on the Member States to ensure that their SOLVIT centre has strong political support so that it can persuade the authorities about whom complaints are made to cooperate actively within the SOLVIT procedure and within the relevant deadlines;

11. Considers that Member States should enhance the efficiency of cooperation among national, regional and local authorities and SOLVIT; considers, in addition, that Member States should initiate a more intensive and broader exchange of best practices;

12. Stresses the importance of the exchange of information between SOLVIT centres, and therefore recommends that Member States' SOLVIT centres meet regularly to allow for the exchange of information and to share examples of best practice and systems;

Measures to be envisaged

13. Calls on the Member States to promote SOLVIT, using all forms of media to ensure a wide outreach to citizens and businesses, especially about how to assert their rights, and to allocate sufficient resources to make this promotion more effective; calls, furthermore, on the Commission and the Member States to promote online alternative dispute settlement systems within the SOLVIT network; calls also on its Members to promote SOLVIT in their constituencies;

14. Calls on each Member State to promote SOLVIT as an alternative dispute resolution mechanism, by means of national information campaigns;

15. Calls on the Member States and the Commission to promote SOLVIT on the Internet; urges the Commission to make available one single internet address for all national SOLVIT centres - www.solvit.eu - to facilitate access by citizens pending the re-launch of the Your Europe Portal, which will eventually group all Single Market Assistant Services, including SOLVIT, together;

16. Calls on the Member States to set up web pages linked to the European SOLVIT portal, featuring a compilation of successful cases and of best practice with regard to settling disputes by means of this mechanism;

Tuesday 9 March 2010

17. Calls on the Member States to increase the efficiency of SOLVIT centres by providing civil servants from within the relevant departments in order to facilitate the resolution of cases which are outside the remit of SOLVIT (SOLVIT+), as well as by ensuring proper access to legal expertise for SOLVIT centres within their administration; urges the Commission to speed up the provision of informal legal assessments to SOLVIT centres;
18. Calls on the Member States to appoint a SOLVIT liaison officer in public services involved in implementing internal market rules, with a view to ensuring better cooperation;
19. Calls on the Member States to organise information campaigns on SOLVIT at local, regional or national level, targeting specific groups, such as SMEs, which currently lag behind in terms of awareness of SOLVIT, and encourages Member States to cooperate and exchange best practices so that SOLVIT is promoted as efficiently as possible; points out that, in parallel with its own procedure, Parliament's Committee on Petitions refers petitioners to SOLVIT in cases where it considers that a solution may be achieved more rapidly through SOLVIT;
20. Acknowledges the effectiveness of SOLVIT as a cooperation network which endeavours to solve, on an informal basis, problems that arise for EU citizens and businesses as a result of the misapplication of internal market law by public authorities;
21. Notes that SOLVIT's 2008 annual report states that SOLVIT attracts a large volume of non-SOLVIT cases, and that this is slowing down the handling of SOLVIT complaints in SOLVIT centres;
22. Notes that there are various entities to which EU citizens may submit their problems, including Parliament's Committee on Petitions, SOLVIT, the Commission and the European Ombudsman;
23. Requests SOLVIT to refer cases of misapplication of EU legislation which are too complex for it to resolve not only to the Commission but also, where appropriate, to Parliament's Committee on Petitions;
24. Recalls that petitions are dealt with in an open and transparent manner in close cooperation with the competent legislative committees, the Commission and the relevant authorities in the Member States;
25. Considers that the petitions process can make a positive contribution to better law-making; recalls that, following the entry into force of the Lisbon Treaty, Parliament's power actively and directly to shape, review and improve EU legislation will greatly increase; points out, furthermore, that an enhanced role for the national parliaments should also be taken into consideration;
26. Notes that there is no single entity responsible for following up citizens' complaints from start to finish, as these are submitted through various channels; calls for greater coordination among the various entities involved in receiving and dealing with citizens' complaints;
27. Requests SOLVIT to include on its website a link to Parliament's Committee on Petitions as well as to the relevant committees of the national parliaments, so that citizens may be made aware of their right to petition Parliament as a means of obtaining non-judicial remedies and solutions through the political and legislative process;
28. Supports, furthermore, the development of a common website of the European institutions intended to assist EU citizens and refer them directly to the institution or body competent to handle their complaint;
29. Calls on its Members to take initiatives to promote SOLVIT and to make efforts to raise awareness about SOLVIT among members of national parliaments for instance by presenting SOLVIT achievements at COSAC meetings; stresses, furthermore, the need for national governments and parliaments to become more involved in the promotion of SOLVIT at national level; calls on the Commission and the Member States to coordinate a hearing of the SOLVIT centres to determine good practice in and existing obstacles to the proper functioning of the centres, with the aim of making administration and work routines more efficient;

Tuesday 9 March 2010

30. Calls on the Member States to increase the staffing of SOLVIT centres, using all available means, including alternative financing arrangements, in order to build up the administrative capacity in the relevant government ministries in proportion to the country's population and the number of cases dealt with previously;

31. Calls on the Member States and the Commission jointly to examine and analyse the causes of the low success rates of certain SOLVIT centres, as well as the causes of their relatively long case-handling times, in order to provide useful information for the design of a better problem-solving strategy, to the benefit of citizens and businesses in the internal market;

32. Calls on the Commission to submit SOLVIT annual reports containing much more detailed information and statistical data, which would also allow the effectiveness of each national centre to be assessed, since it is otherwise difficult to make long-term assessments of trends and propose specific targeted measures to improve the situation in individual Member States;

33. Calls on the Commission to create a single web portal for all SOLVIT centres at an address that is as easy to find as possible (www.solvit.eu); is of the opinion, at the same time, that a marked improvement in the visibility of the SOLVIT network on the Internet is essential and that for this purpose use must be made of both social networking sites and search engines;

34. Considers that, in view of the large number of cases involving individuals and the recognition of qualifications or social and residence entitlements, the SOLVIT network must cooperate much more intensively and must broaden its information campaigns to include expatriate associations and consulates of Member States;

35. Considers that, in view of the large number of cases involving entrepreneurs, the SOLVIT network must cooperate much more intensively and must broaden its information campaigns to include European and national business associations, with particular emphasis on small and medium-sized enterprises;

36. Calls on the Commission to finalise as a matter of priority the Single Market Assistance Services project for streamlining information, advice and problem-solving assistance services to make them more accessible and more effective;

37. Calls on the European Ombudsman to cooperate more closely with the SOLVIT centres and to forward all incoming complaints for which he is not competent, without delay and without red tape, to the SOLVIT centre presumed to be competent where those complaints relate to the internal market and could come within the scope of SOLVIT; calls on the Commission to initiate an accelerated Treaty infringement procedure if an unresolved SOLVIT complaint reveals a *prima facie* breach of Community law;

*

* *

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

Tuesday 9 March 2010

Report on Competition Policy 2008

P7_TA(2010)0050

European Parliament resolution of 9 March 2010 on the Report on Competition Policy 2008 (2009/2173(INI))

(2010/C 349 E/03)

The European Parliament,

- having regard to Article 107(3)(b) and (c) of the Treaty on the Functioning of the European Union (ex-Article 87(3)(b) and (c) of the EC Treaty),
- having regard to the Commission's Report on Competition Policy 2008 ⁽¹⁾,
- having regard to Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty ⁽²⁾,
- having regard to Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (EC Merger Regulation) ⁽³⁾,
- having regard to Commission Regulation (EC) No 2790/1999 of 22 December 1999 on the application of Article 81(3) of Treaty to categories of vertical agreements and concerted practices ⁽⁴⁾,
- having regard to Commission Regulation (EC) No 1400/2002 of 31 July 2002 on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices in the motor vehicle sector ⁽⁵⁾,
- having regard to Commission Decision 2005/842/EC of 28 November 2005 on the application of Article 86(2) of the EC Treaty to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest ⁽⁶⁾ (Commission Decision on State aid to public services),
- having regard to the Commission Communication of 5 December 2008 entitled 'The recapitalisation of financial institutions in the current financial crisis: limitation of aid to the minimum necessary and safeguards against undue distortions of competition' ⁽⁷⁾,
- having regard to the Commission Communication of 17 December 2008 on a temporary Community framework for State aid measures to support access to finance in the current financial and economic crisis ⁽⁸⁾,
- having regard to the Commission Communication of 9 February 2009 entitled 'Guidance on the Commission's enforcement priorities in applying Article 82 of the EC Treaty to abusive exclusionary conduct by dominant undertakings' ⁽⁹⁾,

⁽¹⁾ COM(2009)0374.

⁽²⁾ OJ L 1, 4.1.2003, p. 1.

⁽³⁾ OJ L 24, 29.1.2004, p. 1.

⁽⁴⁾ OJ L 336, 29.12.1999, p. 21.

⁽⁵⁾ OJ L 203, 1.8.2002, p. 30.

⁽⁶⁾ OJ L 312, 29.11.2005, p. 67.

⁽⁷⁾ OJ C 10, 15.1.2009, p. 2.

⁽⁸⁾ OJ C 16, 22.1.2009, p. 1.

⁽⁹⁾ OJ C 45, 24.2.2009, p. 7.

Tuesday 9 March 2010

- having regard to the Commission Communication of 25 February 2009 on the treatment of impaired assets in the Community banking sector ⁽¹⁾,
- having regard to Commission Communication of 23 July 2009 on the return to viability and the assessment of restructuring measures in the financial sector in the current crisis under the State aid rules ⁽²⁾,
- having regard to the Commission Communication of 13 August 2009 on the application of State aid rules to measures taken in relation to financial institutions in the context of the current global financial crisis (2008/C 270/02) ⁽³⁾,
- having regard to the Commission White Paper of 2 April 2008 on damages actions for breach of the EC antitrust rules ⁽⁴⁾ (White Paper on Damages) and to Parliament's resolution of 26 March 2009 in that regard ⁽⁵⁾,
- having regard to the Commission Notice on a Best Practices Code on the conduct of State aid control proceedings ⁽⁶⁾, the Commission Notice on a simplified procedure for the treatment of certain types of State aid ⁽⁷⁾ and the Commission Notice on the enforcement of State aid law by national courts ⁽⁸⁾ (Simplification Package),
- having regard to the Commission Guidelines on State aid for environmental protection ⁽⁹⁾,
- having regard to the State Aid Scoreboards for 2008 and 2009,
- having regard to the Commission's review of 7 August 2009 of guarantee and recapitalisation schemes in the financial sector in the current crisis,
- having regard to its resolution of 22 February 2005 on State aid in the form of public service compensation ⁽¹⁰⁾,
- having regard to its resolution of 10 March 2009 on the Reports on Competition Policy 2006 and 2007 ⁽¹¹⁾,
- having regard to its resolution of 26 March 2009 on food prices in Europe ⁽¹²⁾,
- having regard to Parliament's written declaration of 19 February 2008 on investigating and remedying abuse of power by large supermarkets operating in the European Union ⁽¹³⁾;
- having regard to Rules 48 and 119(2) of its Rules of Procedures,
- having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on Industry, Research and Energy and the Committee on the Internal Market and Consumer Protection (A7-0025/2010),

⁽¹⁾ OJ C 72, 26.3.2009, p. 1.

⁽²⁾ OJ C 195, 19.8.2009, p. 9.

⁽³⁾ OJ C 270, 25.10.2008, p. 8.

⁽⁴⁾ COM(2008)0165.

⁽⁵⁾ Texts adopted, P6_TA(2009)0187.

⁽⁶⁾ OJ C 136, 16.6.2009, p. 13.

⁽⁷⁾ OJ C 136, 16.6.2009, p. 3.

⁽⁸⁾ OJ C 85, 9.4.2009, p. 1.

⁽⁹⁾ OJ C 82, 1.4.2008, p. 1.

⁽¹⁰⁾ Texts adopted, P6_TA(2005)0033.

⁽¹¹⁾ Texts adopted, P6_TA(2009)0099.

⁽¹²⁾ Texts adopted, P6_TA(2009)0191.

⁽¹³⁾ OJ C 184 E, 6.8.2009, p. 23.

Tuesday 9 March 2010

- A. whereas the exceptional economic circumstances of the last two years have necessitated exceptional measures,
- B. whereas the European Union has taken the unprecedented step of having recourse to Article 107(3)(b) and (c) of the Treaty on the Functioning of the European Union,
- C. whereas at times of crisis well-functioning markets are essential, and competition rules should be applied flexibly but strictly,
- D. whereas protectionism and a distortion of competition would only deepen and prolong the crisis,
- E. whereas the growing budget deficit and public debt in many Member States may slow down economic recovery and economic growth for years, possibly decades, to come,
- F. whereas Member State governments have granted guarantees on bank funding as a response to the financial crisis since October 2008; whereas the issuance of guaranteed bonds has been sizeable and has provided banks with a significant source of funding and insurance against the risks faced by the financial system,
- G. whereas empirical analyses suggest that the Member State governments' guarantees have generated a number of effects and distortions, such as a reduction of the spread of private bonds, which need to be taken into account when considering extending them in 2010,
- H. whereas the ability of transnational businesses to make extensive use of tax havens and offshore centres as part of their tax avoidance strategies contravenes the principle of fair competition,
- I. whereas tax governance is an important factor in maintaining favourable conditions for fair competition, and in enhancing the functioning of the internal market,

General remarks

1. Welcomes the Report on Competition Policy 2008, particularly its focus chapter on cartels and consumers; supports the creation of the Consumer Liaison Unit; notes that the existence of cartels harms consumers; regrets the difficulty for consumers to reap the benefits of competition;
2. Highlights the fact that cartels are among the most serious violation of competition law, disrupt the value chain, are detrimental to consumers and have a very negative impact on the economy; encourages the Commission to maintain its strong enforcement to prevent and act against cartels; welcomes instruments such as the settlement package, which allows the Commission to settle cartel cases by means of a simplified procedure where companies, having seen the evidence, choose to acknowledge their involvement in the cartel and the fine imposed on the parties is reduced; recalls that competition policy and the comprehensive enforcement of competition rules are essential for a properly functioning and competitive European internal market, enhancing efficiency, entrepreneurial excellence and the protection of consumers; takes the view, in particular, that the fight against cartels is central to ensuring that consumers benefit from a competition regime through lower prices and a broader choice of products and services;
3. Demands to be involved on a broad basis in the shaping of competition policy, including the introduction of a co-legislative role and a requirement that Parliament be regularly informed about any initiative in that field;
4. Calls on the Commission to inform Parliament during the course of 2010 what specific action in the field of competition it intends to take as a result of the entry into force of the Lisbon Treaty;

Tuesday 9 March 2010

5. Calls on the Commission to report to Parliament in detail and annually about the follow-up to Parliament's recommendations, and explain any departure from Parliament's recommendations;
6. Encourages the Commission to initiate a steady and permanent dialogue with consumers' associations to identify competition problems and enforcement priorities; requests a full report on the activities of the Consumer Liaison Unit of DG Competition;
7. Calls on the Commission to make publicly available all evaluations and studies referred to in its future annual competition reports and to make use of independent and reliable expertise for those evaluations and studies;
8. Recalls its request to the Commission to undertake an urgent review of staff resources at the Directorate-General for Competition and ensure that the resources allocated meet the increasing workload;
9. Stresses the need for clear, robust and SME-friendly competition rules based on the 'think small first' principle anchored in the Small Business Act for Europe;
10. Calls on the Commission, in the next report, to include a dedicated focus chapter on SMEs and competition; points to the high cost of the patent system for SMEs, due in particular to the threat of litigation from non-practising entities; draws attention to open innovation and knowledge commons; calls on SMEs to exploit FP7 results under open access;
11. Calls on the Commission to make use of Article 12 of the Treaty on the Functioning of the European Union (ex Article 153(2) of the EC Treaty), which states clearly that 'consumer protection requirements shall be taken into account in defining and implementing other Union policies and activities', as a legal basis for future internal market legislation;
12. Asks the Commission to push for the implementation of the telecom package;
13. Regards positively the publication of the Commission Communication entitled 'Guidance on the Commission's enforcement priorities in applying Article 82 of the EC Treaty to abusive exclusionary conduct by dominant undertakings'; believes that the Guidance is a step forward since it means more transparency and predictability regarding a possible intervention by the Commission but that it should never limit or restrict the capacity of the Commission to act in that field under what is now the Treaty on the Functioning of the European Union;
14. Highlights that in 2008, for the first time in the history of EU competition policy, coercive fines have been imposed for failure to comply with a previous Commission decision;

State aid

15. Stresses that it is important for the Commission to monitor the use of State aid carefully in order to ensure that these support arrangements are not used to protect national industries in a manner detrimental to the internal market and European consumers;
16. Considers it essential, therefore, when assessing whether State aid is compatible with the Treaty, to find the right balance between the negative effects of State aid on competition and public finances and its positive effects in terms of common interests;
17. Calls on the Commission to evaluate the external dimension of the effects of the types of bank regulation envisaged, particularly on the competitiveness of European banks;

Tuesday 9 March 2010

18. Takes the view that State aid policies taken in relation to financial institutions and the economic recovery process were helpful to stabilise financial market and to tackle the effects of the credit crunch on the real economy;

19. Notes that State aid policy is an integral part of competition policy and that State aid control reflects the need to maintain a level playing field for all undertakings carrying out activities in the European single market; in this context, wonders to what extent State aid granted to the financial market has caused distortions of competition; calls for an independent report to be drawn up about the potential distortive effects of State intervention in the financial sector; asks the Commission to report on restructuring progress made by the beneficiaries of State aid and to provide more clarity concerning the repayment of State aid and possible sanctions for failure to repay; urges the Commission to clarify the binding restructuring measures related to potential distortive effects resulting in differences in repayment conditions between Member States; calls for greater clarity on the criteria for divestments and on their medium-term impact on the firms in question;

20. Is concerned about the subsidies and distortions generated by the guarantees on bank funding granted by Member State governments; urges the Commission to assess the extent of subsidies related to guarantees on bank funding and thus analyse their conformity with EU competition law and the measures needed to correct any distortions related to those guarantees;

21. Calls on the Commission to investigate further, as a matter of urgency, why State aid granted to banks is not being passed on to the real economy, and to take measures against banks that demonstrably fail or refuse to pass on the benefits of State aid;

22. Notes that the Commission has already started the process of phasing out State support and mandating restructuring and divestitures; acknowledges that those processes must be flexible in order to be successful; calls, nevertheless, for guidance by the Commission concerning those processes; believes that State intervention should not be unduly prolonged and that exit strategies should be elaborated as soon as possible;

23. Insists upon the need to coordinate exit strategies, in particular as regards the phasing out of the support to the banking sector; underlines that such coordination is essential to avoid any distortion of competition resulting from a situation where banks could be subsidised to some extent in those countries where bank support programmes are retained in contrast to countries where such programmes are phased out;

24. Believes that the system of competition rules has weathered the storm so far, but that the crisis has brought home the urgent need for an EU framework for cross-border crisis management in the financial sector, including a solution for the 'too-big-to-fail' institutions, a quick and full implementation of the recommendations of the de Larosière Report, including a single European regulator, a deposit guarantee system and a bail-out fund or equivalent system;

25. Requests that the Commission report on national State aid measures, the differences between the national schemes, their possible distortive effects on competition and the economic divergence that might result therefrom; calls on the Commission to prepare proposals for a more coherent, single European approach;

26. Calls on the Commission to step up its investigation of the scope for illegally combining State aid on the one hand and Community instruments such as the structural funds and the Globalisation Adjustment Fund on the other, so as to ensure the consistency of its action;

27. Invites the Commission to explain what criteria will be used to decide on a possible extension of the Temporary Community Framework for State aid measures;

Tuesday 9 March 2010

28. Insists that State aid should be compatible with the goals of the Lisbon-Göteborg Strategy and the climate-energy package; urges Member States to remove harmful subsidies which, inter alia, foster fossil fuel consumption or production that increase greenhouse gas emission; more broadly, emphasises the need to undertake Strategic Environmental Assessments (SEAs) of policies and Environmental Impact Assessments (EIAs) of projects foreseen in the ambit of the recovery package;
29. Welcomes the new guidelines on State aid for environmental protection within the framework of the climate-energy package introducing normalised evaluation for minor issues and detailed evaluation for significant issues;
30. Calls on the Commission to publish, during the course of 2010, a comprehensive report on the effectiveness of State aid granted for 'green recovery' (bringing about a substantial shift towards sustainability, in particular in the automotive sector) and State aid for environmental protection;
31. Calls for similar reporting on State aid granted for support to SMEs, training, R&D and innovation;
32. Suggests that the phase-out of the Temporary Community Framework for State aid measures to support access to finance in the current financial and economic crisis should take into consideration the economic situation (the length of recovery and the size of the fall in GDP) of the Member State concerned;
33. Calls on the Commission to sustain, within the telecom sector, its efforts to achieve greater transparency in the charge rates for fixed and especially mobile operators;
34. Emphasises the need to look into the challenge presented by tax havens and off-shore centres as regards, inter alia, unfair competition and financial stability;
35. Reiterates its call for the introduction of a Common Consolidated Corporate Tax Base;
36. Urges the Commission to inform Parliament about its review of the Commission Decision on State aid for public services, which has been due since 19 December 2008 and which should now take into consideration the entry into force of the Lisbon Treaty;
37. Notes with concern that the recovery of illegal State aid is a lengthy and cumbersome process, and that a small number of Member States is responsible for nearly all pending cases; encourages the Commission to tighten up procedures further and to keep up the pressure on Member States, in particular on repeat offenders;
38. Asks the Commission for a thorough investigation into the generalised large-scale use, by some European firms, of low-cost highly skilled temporary labour contracts and internships, as an abusive economic strategy that is detrimental to the principles of decent work and a source of competition distortion;
39. Underlines that facilitating risk capital financing for SMEs is essential to promote fair competition;
40. Calls on the Commission to evaluate and report on the degree to which, if at all, the different national support schemes in the automobile industry have contributed to other Community objectives, in particular sustainability and environmentally-friendly technologies; urges the Commission to assess competitiveness within this market, in particular the relationship between OEMs and first- and second-tier suppliers;
41. Welcomes the publication of the Simplification Package;

Tuesday 9 March 2010

Antitrust

42. Welcomes the adoption by the Commission of the White Paper on damages actions for breach of antitrust rules; believes this is a victory for consumer protection within the European Union;

43. Recalls that cartels harm the economy and represent some of the most serious violation of competition law; believes that such infringements of competition law counteract the interests of citizens of the Union since they imply that the advantages of lower prices resulting from competition cannot be passed on to consumers; reiterates in this context that any forthcoming proposal on collective redress must respect Parliament's view expressed in its resolution of 26 March 2009 on damages actions for breach of the EU antitrust rules and insists that Parliament must be involved in the adoption of such act by means of the co-decision procedure;

44. Calls on the Commission to improve coordination between the competition law approach and the consumer law approach in its initiatives;

45. Welcomes the very firm stance the Commission has taken on anti-competitive behaviour in recent years, as it causes great harm to consumers and to the economy; highlights the need for broad public support for competition policy, and democratic legitimacy ensured by involvement of the European Parliament; is concerned that the use of ever higher fines as the sole instrument may be too blunt, not least with a view to potential job losses as a result of the inability to pay, and calls for the development of a wider range of more sophisticated instruments, covering such issues as individual responsibility, transparency and accountability of firms, shorter procedures, the right of defence and due process, mechanisms to ensure the effective operation of leniency applications (in particular to overcome the interference caused by discovery processes in the US), corporate compliance programs and the development of European standards; favours a 'carrot-and-stick' approach with penalties that serve as an effective deterrent, in particular for repeat offenders, while encouraging compliance;

46. Takes the view that, when multiple infringements of competition law are committed by the same company, stronger deterrence measures are needed to implement antitrust rules in cartel cases or to combat abuses of dominant position;

47. Calls on the Commission and the Member States to introduce the principle of individual liability;

48. Calls on the Commission to consider the role of compliance programmes as an instrument in the fight against anti-competitive behaviour;

49. Calls on the Commission to define specific criteria pursuant to which undertakings should be considered to have acted intentionally or negligently;

50. Calls on the Commission to define specific criteria pursuant to which parent companies should be made jointly and severally liable for cartel-like behaviour on the part of their subsidiaries;

51. Points out that SMEs are comparatively harder hit by disproportionate fines than larger companies;

52. Feels that fines should be proportionate to the breach; also proposes that, in appropriate circumstances, relevant amounts paid in compensation be taken into account when calculating the fine; asks the Commission to review the basis for calculating fines and, if appropriate, to incorporate the new fining principles in Regulation (EC) No 1/2003;

53. Calls on the Commission to introduce a 'one-stop shop' for leniency applications;

Tuesday 9 March 2010

54. Asks to be duly informed and consulted concerning any amendment of the Motor Vehicle Block Exemption Regulation, within a timeframe which allows Parliament to undertake adequate scrutiny and to make a thorough contribution, taking into account the urgent need to provide the sector with a predictable horizon that allows it to take the appropriate measures;

55. Emphasises the need for effective cooperation with Parliament, and with consumer and small businesses organisations, concerning any amendments of the Block Exemption Regulation applicable to Vertical Agreements; stresses that a regulatory framework which encourages cohesive action by various market operators is the best way to address potential consumer detriment caused by lack of choice;

56. Recalls the request to carry out a proper scrutiny, including a hearing in Parliament of end user organisations, of the Commission's Draft Motor Vehicle Block Exemption Regulation and the Draft Supplementary Guidelines; asks the Commission to ensure future-proof rules as of 1 June 2010;

57. Welcomes, in this respect, the Commission's proposal for a more stringent regulatory framework for after-sales services, to reduce the high level of consumer expenditure on repair and maintenance caused by distortive practices such as the exclusion of independent service providers.

58. Expects due account to be taken of the interests of small and medium-sized motor vehicle dealers in the forthcoming competition law regime on the motor vehicle sector; failing that, considers that the Motor Vehicle Block Exemption Regulation should be retained in its present form;

59. Asks to be consulted on any proposed amendment of the Block Exemption Regulation applicable to Vertical Agreements, within a timeframe which allows Parliament to undertake adequate scrutiny and to make a thorough contribution;

Merger control

60. Welcomes the aim for further improvement of the referral mechanisms and greater consistency in the evaluation of comparable merger operations, and encourages the Commission to review the effects of the two-thirds rule further;

61. Welcomes the revision of the Commission Notice on remedies acceptable under Council Regulation (EC) No 139/2004 and under Commission Regulation (EC) No 802/2004, which codifies recent judgments of the Court of Justice, takes into account the conclusions drawn from the Remedies Study, and the addresses the points raised during the public consultation;

62. Requests the Commission to draw up a country-by-country report on the application of Article 21(4) of the EC Merger Regulation, which allows for public policy considerations to take precedence over competition considerations;

63. Emphasises that the current economic crisis does not justify a relaxation of EU merger control policies;

Sector inquiries

64. Invites the Commission to set out the criteria applicable for launching a sector inquiry; takes the view that the Commission should act not only on complaints from industry or consumers, but also on the recommendation of Parliament;

Tuesday 9 March 2010

65. Calls on the Commission to investigate the margin share in the production and distribution chains in line with Parliament's resolution of 26 March 2009 on food prices in Europe; requests the Commission to propose appropriate measures, including regulation, to protect consumers, workers and producers from any abuse of dominant position or negative impacts identified in the course of that investigation;

66. Reiterates in this context its earlier calls for sector inquiries into online advertising and relations between the producers of agricultural goods (in particular dairy produce), intermediate purchasers, major distributors and end consumers; calls for an inquiry into media concentrations, including all channels for distribution of content, such as print, television and radio and the internet; requests that the Commission present an analysis of competition in the telecoms, car and financial services sectors;

67. Stresses the need for comprehensive sector inquiries and follow-up measures in close cooperation with the authorities of the European Competition Network (ECN) into the food industry and, in particular, into the distribution chain for dairy products;

68. Requests the Commission to continue to monitor the prices of food products in the European Union and the conditions of competition in the food industry;

69. Highlights the need to improve competition in the pharmaceutical sector by taking the appropriate measures to fight those practices of the pharmaceutical enterprises that may result in delaying or blocking the entry of generic products on the market, in accordance with the results of the sector enquiry conducted by DG Competition;

70. Welcomes the Commission's enquiry into the energy sector; requests the Commission to investigate the extent to which a lack of investment in infrastructure, particularly gas and electricity interconnections, is hampering competition; notices that security of supply and effective competition in the energy market cannot be achieved without an interconnected and well-functioning energy infrastructure;

71. Is concerned about insufficient competition in telecoms; requests a further sector enquiry; insists that the Body of European Regulators for Electronic Communications (BEREC) foster competition, in particular through pertinent market analysis; insists therefore that its secretariat be given sufficient resources for this purpose;

72. Deplores the fact that the Commission, in its report, addresses inter-institutional cooperation with Parliament only briefly and does not respond to the following requests made by Parliament in its resolution of 10 March 2009:

- to review the operation of abusive practices in the services sector, which may prevent small businesses from being able to tender for work;
- to ensure proper vigilance over competitive behaviour in the Union's fuel markets;
- to take measures supporting pricing competition rather than regulating retail prices in the telecoms sector;

73. Reiterates its call for an inquiry into the application of public procurement rules, and whether national differences lead to a distortion of competition;

*

* *

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

Tuesday 9 March 2010

Internal Market Scoreboard

P7_TA(2010)0051

European Parliament resolution of 9 March 2010 on the Internal Market Scoreboard (2009/2141(INI))

(2010/C 349 E/04)

The European Parliament,

- having regard to the Commission Recommendation of 29 June 2009 on measures to improve the functioning of the single market ⁽¹⁾,
 - having regard to the Commission Recommendation of 12 July 2004 on the transposition into national law of Directives affecting the internal market ⁽²⁾,
 - having regard to the Commission Staff Working paper on the Internal Market Scoreboard (SEC(2009)1007),
 - having regard to its resolution of 4 September 2007 on the Single Market Review: tackling barriers and inefficiencies through better implementation and enforcement ⁽³⁾,
 - having regard to its resolution of 23 September 2008 on the Internal Market Scoreboard ⁽⁴⁾,
 - having regard to its resolution of 9 July 2008 on the role of the national judge in the European judicial system ⁽⁵⁾,
 - having regard to the Council Conclusions (Competitiveness - Internal Market, Industry and Research) of 24 September 2009 entitled 'How to make the Internal Market work better' ⁽⁶⁾,
 - having regard to Rules 48 and 119(2) of its Rules of Procedure,
 - having regard to the report of the Committee on Internal Market and Consumer Protection (A7-0084/2009),
- A. whereas an effectively functioning internal market is imperative for the creation of a stable and innovative economic environment within which consumers can purchase high-quality goods and services and businesses can create new jobs,
- B. whereas, although the internal market has come a long way, there is still a great deal of work to be done in order to ensure that it reaches its full potential,
- C. whereas the internal market cannot work properly without the correct transposition, application and enforcement of Community rules which affect its functioning,
- D. whereas it is imperative that Member States transpose internal market legislation on time,

⁽¹⁾ OJ L 176, 7.7.2009, p. 17.

⁽²⁾ OJ L 98, 16.4.2005, p. 47.

⁽³⁾ OJ C 187 E, 24.7.2008, p. 80.

⁽⁴⁾ Texts adopted, P6_TA(2008)0421.

⁽⁵⁾ Texts adopted, P6_TA(2008)0352.

⁽⁶⁾ Council document 13024/09.

Tuesday 9 March 2010

- E. whereas the European Parliament and national parliaments can actively contribute to a better transposition of internal market legislation by continuing to work together closely with each other during the negotiation and transposition process,
- F. whereas representatives of the EU institutions and Member States should meet on a regular basis to take stock of the implementation of internal market legislation,
- G. whereas the publication of the Internal Market Scoreboard helps to reduce the transposition deficit, but it is necessary to adopt a more qualitative approach aimed at looking beyond the figures and identifying the reasons for the deficit,
- H. whereas although the Internal Market Scoreboard and the Consumer Market Scoreboard have different methodologies with different scopes and different sets of indicators, they share the overall aim of improving the functioning of the internal market,
- I. whereas the current average deficit of 1 % is in accordance with the target of 1 % agreed by the Heads of State and Government in 2007, but nine Member States still remain short of this target,
- J. whereas the fragmentation factor is 6 %, meaning that 100 directives have not been transposed in at least one Member State,
- K. whereas 22 directives are more than two years behind their transposition deadline, in direct violation of the 'zero tolerance' target set by the Heads of State and Government in 2002,
- L. whereas it is particularly important to track the transposition of certain directives that are key for the development of the internal market,
- M. whereas more publicly accessible information on which directives have not been transposed by individual Member States could be useful as a means of raising awareness among the general public and applying peer pressure, including by Members of the European Parliament on Members of national parliaments,
- N. whereas the continuing cases of non-transposition or incorrect transposition are not necessarily the result of reluctance on the part of Member States, but may be due to a lack of clarity or consistency in the relevant EU legislation, and it is therefore desirable that the Internal Market Scoreboard should be not only a means of putting pressure on the Member States, but also an instrument for dialogue that might improve understanding of the difficulties encountered by Member States in transposing legislation,
- O. whereas more information is needed on the quality of transposition,
- P. whereas, keeping in mind the general shift from legislation to implementation in the internal market area, the Internal Market Scoreboard should on a regular basis provide more detailed information on the application and enforcement of internal market legislation, including objective indicators as to the functioning of the internal market, allowing better tracking of performance and trends,
- Q. whereas Members of the European Parliament should inform their constituents about the implementation of internal market legislation that affects them and ways in which they are able to enforce their rights,

Tuesday 9 March 2010

- R. whereas the work of its Committee on the Internal Market and Consumer Protection has provided useful insights into the implementation, transposition and enforcement of key internal market legislation, through own-initiative reports, studies, workshops and hearings, and will continue to do so in the future,
- S. whereas training and cross-border exchanges, inter alia via the electronic networks set up by the Commission, are essential for the better application of the Community's internal market acquis,
- T. whereas citizens and businesses rely on effective enforcement of internal market rules to help them to fully benefit from its potential,

Introduction

1. Welcomes the Commission's above-mentioned Recommendation on measures to improve the functioning of the single market; stresses that Member States should not cherry-pick the measures that suit them best but undertake to implement them all;
2. Urges Member States to work closely with the Commission and with each other, and to assume their share of responsibility and ownership to exploit the potential of the internal market fully; calls on the Commission to use all its powers in ensuring effective application of internal market rules including effective market monitoring, harmonisation, further simplification of legislation and other tools to reduce the administrative burden on citizens and businesses;
3. Takes the view that it is important to act at an earlier stage in order to limit the risk of a transposition deficit and that the Commission should do more to support the Member States throughout the transposition period; takes the view that this should involve in particular dialogue and a greater exchange of information aimed at anticipating possible problems and seeking to resolve them before the end of the deadline for transposition;
4. Particularly supports the idea of close involvement of national parliaments and enhanced cooperation with other stakeholders, such as the social partners, during negotiations and the transposition process;
5. Underlines the importance of open dialogue and closer cooperation between national parliaments and the European Parliament with a view to further discussion and detailed consideration of the problems encountered by Member States during the transposition process, as the correct transposition and implementation of directives at national level are basic preconditions for the effective operation of the internal market, competition and economic and social stability within the EU;
6. Calls on the Commission to organize an annual Internal Market Forum bringing together representatives of EU institutions and Member States and other stakeholders in order to establish a clearer commitment to transposition, application and enforcement of internal market legislation;
7. Underlines that such an Internal Market Forum should hold meetings at working group level as well as at ministerial level in order to provide an important platform for the sharing of best practice between national administrations;
8. Calls on the Commission to regularly include in its Internal Market Scoreboard more detailed information on the application and enforcement of internal market legislation, including objective indicators as to the functioning of the internal market;
9. Calls for the Internal Market Scoreboard, the SOLVIT Report, the Citizens Signpost Service and the Consumer Market Scoreboard to be published at the same time once a year (not changing the frequency of their publication) in order to provide a global picture of the development of the internal market and to better coordinate the work that has been done in those areas while maintaining the particular nature of those instruments;

Tuesday 9 March 2010

10. Calls on the Commission to look into new ways to eliminate remaining barriers to completing the internal market, including the creation of a 'internal-market test' for all proposed new EU legislation, to ensure that proposed new measures do not undermine the internal market;

11. Considers that the Internal Market Scoreboard has important overlaps with the Commission's annual review of the application of Community law; therefore encourages the Commission to use that annual review in a more strategic way by focusing on vertical policy areas which could improve the qualitative analysis of the Internal Market Scoreboard;

12. Calls on the Commission to present a more reader-friendly press release together with the Internal Market Scoreboard in order to raise awareness of its results and to increase pressure on the Member States to ensure the correct and timely transposition of directives;

Transposition

13. Welcomes the fact that the transposition deficit of 1,0 % has been met for the third consecutive time; urges the nine Member States which failed to reach this objective to take action to improve their record;

14. Considers that there is a clear link between the timely and correct transposition of internal market directives and the quality of the original legislation; therefore notes the importance of upstream work, including a commitment to comply with better regulation principles, full consultation with Member States on transposition and enforcement methods, and the need for thorough impact assessments and analysis of the relevant case law of the European Court of Justice before proposing new legislation;

15. Recalls that the number of directives that have not been transposed by one or more Member States remains too high and calls on the Commission and the Member States to work together to bring this number down as a matter of urgency, starting with those directives whose transposition has been overdue for two years or more;

16. Calls on the Commission to provide more detailed information on its website on the directives which have not been implemented in the individual Member States;

17. Urges Member States to provide the Commission with correlation tables containing detailed information on the national measures taken to transpose directives in order for it to be able to provide more detailed information on the quality of transposition; calls on the Commission to identify best practices of timely and correct transposition and to communicate these to the Member States;

Application

18. Considers that Member States should enhance the efficient cooperation among national, regional and local authorities involved in applying internal market rules by ensuring and strengthening an internal market coordination function within their national administrations;

19. Calls on Member States to provide national and local civil servants and judicial authorities with regular training on internal market rules in the framework of existing Community programmes and networks;

20. Shares the Commission's view that Member States need to ensure that the cross-border networks of electronic information systems established by the Commission (e.g. the Internal Market Information system (IMI), the Rapid alert system for non-food dangerous products (RAPEX), the Rapid alert system for food and feed (RASFF) or the Consumer Protection Cooperation network (CPC)) are operational by taking the necessary measures, including the allocation of resources;

Tuesday 9 March 2010

21. Calls on the Commission to view internal market legislation as a circular process in which ex-post evaluations should play an important part and should be used to establish whether the legislation meets or surpasses the original impact assessment and, if not, to identify how it should be amended or recast to ensure that it meets its original objectives;

Enforcement

22. Holds the view that Member States should step up their efforts in providing information to citizens and businesses about their rights in the internal market, enabling them to exercise those rights in practice; calls on the Commission to finalise as a matter of priority the Single Market Assistance Services project for streamlining information, advice and problem-solving assistance services and making them more accessible;

23. Takes the view that the internal market information that the Commission posts on the internet is comprehensive but overly fragmented; calls on the Commission, with the participation of the Enterprise Europe Network, to establish and strengthen the 'Your Europe - Business' portal as an electronic one-stop-shop for business information relating to the internal market in order to avoid unnecessary and costly parallel structures and to exploit possible synergies, particularly in connection with the information to be provided under the Services Directive ⁽¹⁾;

24. Highlights the key role played by the Enterprise Europe Network in enabling SMEs to make use of the opportunities offered by the internal market; stresses that bureaucratic obligations tie up valuable resources and thereby prevent a stronger focus on the Enterprise Europe Network's core task of providing tailor-made support for SMEs; calls on the Commission to make greater use of the Enterprise Europe Network for the targeted distribution of information and to reduce bureaucracy for the Network's partners;

25. Believes that Member States should, with the support of the Commission, improve the capacity of problem-solving mechanisms, in particular SOLVIT, so as to provide more effective redress; emphasises that experiences from SOLVIT should be fed into national and EU policy-making, resulting in structural or regulatory changes where necessary; calls on Member States to further reinforce the networks of SOLVIT centres by allocating additional financial and human resources;

26. Calls on the Commission and the Member States to take the necessary measures in order to make the SOLVIT centres and their free-of-charge problem-solving services more visible to European businesses and citizens;

*

* *

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

⁽¹⁾ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

Wednesday 10 March 2010

EU 2020 - Follow-up of the informal European Council of 11 February 2010

P7_TA(2010)0053

European Parliament resolution of 10 March 2010 on EU 2020

(2010/C 349 E/05)

The European Parliament,

- having regard to the informal European Council of 11 February 2010,
 - having regard to the public consultation on EU 2020 launched by the Commission, and its outcome (SEC(2010)0116),
 - having regard to the Commission's evaluation of the Lisbon Strategy (SEC(2010)0114),
 - having regard to the European Council document entitled 'Seven steps to deliver on the European strategy for growth and jobs',
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas the EU 2020 strategy should serve economic growth and create jobs, since the 4 % drop in GDP, falling industrial production and a total of more than 23 million unemployed women and men represent a human and economic disaster,
- B. whereas the Lisbon Strategy underperformed owing to a weak governance structure, a lack of accountability, a highly complex objective with too many targets, over-ambitious goals and a lack of clarity, focus and transparency, and whereas it therefore welcomes the Commission's proposal for the EU 2020 strategy and the accompanying targets and framework,

General observations

1. Believes that the EU 2020 strategy must provide an effective response to the economic and financial crisis, and lend new ambition and European coherence to the EU recovery process by mobilising and coordinating national and European instruments;
2. Welcomes, given that too many European targets were not met under the previous Lisbon Strategy, the European Council's decision to set fewer targets, but to make them clearer, more realistic and more quantifiable;

A social market economy

3. Believes that sustainable, full and high-quality employment, for both men and women, is an important goal to pursue in the EU, which can be achieved only if the EU institutions and the Member States implement the necessary reforms;
4. Notes that unemployment is a core issue in current discussions in the context of the crisis; believes that, in order fully to address high and growing unemployment, the EU must implement an ambitious social agenda, including efforts to promote longer and healthier lives, to combat poverty and social exclusion, to help workers combine employment with care responsibilities, to reduce early school leaving, to foster lifelong learning and to fight discrimination and promote gender mainstreaming, gender equality and workers' rights and good working conditions; urges the Member States to tackle unemployment by creating more training opportunities and internships for young people, while protecting them against unfair employment practices;

Wednesday 10 March 2010

5. Stresses that, in order to address high and growing unemployment, the EU must implement an ambitious social agenda, and a strong gender equality strategy and integration policy;
6. Believes that the EU needs to create inclusive and competitive labour markets through the restructuring of social security systems and the provision of greater flexibility for employers, combined with appropriate short-term unemployment benefits and support for re-employability;
7. Calls on the EU to facilitate the free movement of all citizens, including workers; professionals; business people, researchers, students and retired people;
8. Urges the EU to explore the possibility of European schemes designed to facilitate knowledge migration and prevent a European 'brain drain', promote excellence and develop a network of leading universities at international level; believes that creating the 'fifth freedom' of knowledge should contribute to this;
9. Is disappointed that no mention was made of the agricultural sector in the original proposals for the EU 2020 strategy, despite agriculture's potential to make an active contribution to meeting the main challenges ahead; is convinced that, with the right policy framework and adequate budgetary resources, agriculture and forestry can play an important role in the overall European strategy designed to secure economic recovery and achieve climate targets, while at the same time contributing to EU and global food security, growth and job creation;

Strong European governance for a successful 2020 strategy

10. Believes that the EU 2020 strategy should provide an ambitious and more coherent and target-based approach to the economic crisis, ensuring greater coherence between overlapping strategies, such as the Sustainable Development Strategy and the Stability and Growth Pact (SGP), to help build a fair, sustainable and prosperous Europe;
11. Takes the view that the Lisbon Strategy failed owing to a lack of commitment and lack of ownership by the Member States in relation to the implementation of agreed action plans, and the absence of effective incentives and binding instruments at EU level;
12. Urges the European Council to abandon the 'open coordination method', based on the 'exchange of best practices' and 'peer pressure', in the field of economic policy; encourages the Commission to use all available provisions of the Lisbon Treaty, such as Articles 121, 122, 136, 172, 173 and 194, in order to coordinate the Member States' economic reforms and action plans;
13. Emphasises that the Commission should draw up a precise scoreboard of obstacles and propose action on these key impediments, with a view to completing the internal market;
14. Asks the Commission, while respecting the subsidiarity principle, to put forward new measures, such as regulations and directives, and possible sanctions for those Member States that do not implement the EU 2020 strategy and incentives for those that do;
15. Recalls that both the Commission and the European Council have underlined Parliament's crucial role in the EU 2020 strategy, and should therefore respect its prerogatives by presenting annual policy recommendations to Parliament before the European Council takes a decision; urges the Council and the Commission to acknowledge Parliament's key role in implementing a 2020 strategy; takes the view that an interinstitutional agreement needs to be drawn up in order to set down and formalise a democratic, effective way forward, which should include a commitment by the Council not to agree on changes to the strategy in coming years without formally consulting Parliament first;
16. Stresses the need for better cooperation with national parliaments and civil society; takes the view that involving more actors will increase the pressure on national administrations to deliver results;

Wednesday 10 March 2010

17. Takes the view that the Member States should, in close cooperation with the Commission, draft national action plans stipulating maximum and minimum values for certain macro-economic aspects of their economies;

18. Notes that the implementation of the EU budget by the Commission and the Member States has been criticised by the European Court of Auditors; takes the view that, since the Member States manage 80 % of the EU budget themselves, the Commission should put more pressure on them to take responsibility for spending these funds correctly, and consider financial penalties in the event that Member States refuse to cooperate;

19. Believes that the Member States should indicate how they used EU funds to achieve the various EU 2020 objectives, and that EU funding should be conditional on results and compatibility with the objectives of the EU 2020 strategy;

Protecting the strength of the euro by stepping up financial oversight

20. Stresses that budget consolidation and economic policies must be closely coordinated in order to increase growth, create jobs and ensure the future stability of the euro; takes the view that the Member States must comply with the criteria of the European Stability and Growth Pact (SGP), while striking a balance between the reduction of national deficits, investment and social needs;

21. Believes that the failure by several Member States in the eurozone to comply with the SGP shows the need to strengthen economic coordination among countries in the EMU; believes that problems in the eurozone call for a European solution, and considers it unfortunate that there are no mechanisms to safeguard the euro's stability;

22. Notes that speculative attacks on countries facing economic difficulties further deepen their economic problems and make it very expensive for them to borrow money;

23. Stresses the need for a European supervisor to ensure effective oversight of micro- and macro-prudential supervision, thereby preventing future crises; stresses the need to establish an efficient European banking system capable of financing the real economy and making sure that Europe remains one of the world's leading financial centres and economies; underlines that oversight cannot remain a purely national matter, since markets are international and financial institutions operate across borders;

Freeing up the potential of the European internal market

24. Notes that the single market contributes greatly to European prosperity, and welcomes the fact that Mario Monti has been assigned the task of proposing new and balanced ideas with a view to kick-starting the European common market; takes the view that, since the internal market is a key area of the EU 2020 strategy, the Council and Commission should come up with proposals for completing the internal market;

25. Notes that some governments are practising economic protectionism, threatening to undo the work of 50 years of economic integration and solidarity;

26. Reminds the Member States that they can use the enhanced cooperation method in areas where the negotiations have reached a deadlock;

27. Takes the view that it is essential to complete the internal energy market in order to ensure economic growth, the integration of renewable energies and security of supply; is of the opinion that sustainable, low-carbon energy sources should account for a significant share of the EU's energy mix;

28. Believes that European industry should take advantage of its leading role in the sustainable economy and green mobility technologies by exploiting its export potential; takes the view that, at the same time, this would reduce resource dependency and make it easier to comply with the necessary 20-20-20 climate change targets; stresses, however, that the EU economy needs sufficient high-tech raw materials in order to achieve this goal;

Wednesday 10 March 2010

Promoting SMEs and jobs

29. Believes that the Commission should have placed a greater emphasis on promoting and supporting small and medium-sized enterprises (SMEs), since most jobs are created in this sector and its innovation and technological progress play a crucial role in reinvigorating our economy; takes the view that more proposals to reduce red tape and promote innovative ideas are required;

30. Underlines that the Small Business Act is a first step, but should be built on in a more ambitious manner; takes the view that priority should be given to SME-friendly legislation, encouraging entrepreneurship and improved access to finance;

31. Underlines that a successful 2020 strategy should focus on promoting SMEs and jobs not only in the trade and service sectors, but also in industry and the agricultural sector, as these are vital for our future economy;

32. Takes the view that the ageing of Europe's population requires lifelong learning policies and a more flexible retirement age (where employees opt for this), so as to keep a sufficient number of active people in the labour market and enhance their social inclusion; is of the opinion that the employment potential of older people and disabled workers is often neglected, and expects proposals aimed at enhancing their potential; urges, furthermore, the Commission to put forward a strategy to combat youth unemployment;

A budget reflecting smart, inclusive and sustainable growth as the priority for the 21st century

33. Takes the view that the current budget does not sufficiently reflect the financial needs associated with tackling 21st-century challenges; urges the Commission to put forward an ambitious proposal to make the EU 2020 strategy a success;

34. Urges the Commission to retain the target of spending 3 % of GDP on R&D – as set out in the Lisbon Strategy – in the new strategy, for both the EU and national budgets; asks the Commission to put forward a proposal to make European research more efficient by streamlining existing structures, cutting red tape and creating a more research- and innovation-friendly investment climate in the public and private sector; takes the view that, in order to achieve a functioning knowledge triangle, it is essential to improve education and make innovation systems more structured and efficient, while at the same time supporting key enabling technologies; calls on the Member States to make better use of the potential synergy between cohesion policy funds and R&D funds;

35. Believes that the European Investment Bank and the European Bank for Reconstruction and Development should play a greater role in supporting infrastructure investment, green technologies, innovation and SMEs;

36. Stresses that innovation starts with better education, and urges the Commission to encourage new partnerships between business, science and university research;

37. Calls for a broad approach to future EU innovation policy; takes the view that key enabling technologies should receive adequate funding to make Europe a global leader in these areas;

38. Considers that the transport sector is an important actor in achieving the sustainable growth foreseen in the 2020 strategy and that the sector contributes to a remarkable extent to the economic growth required for the implementation of EU 2020; considers that a mixture of different measures such as an energy mix, price formation measures and a realistic approach to the internalisation of external costs are important in this context, and that these measures should be accompanied by clearer and more realistic targets that should regularly be reviewed;

Wednesday 10 March 2010

39. Recalls that economic, social and territorial cohesion is a cornerstone of the European project, one which is currently being endangered by the effects of the economic crisis; takes the view that a 2020 strategy is an historic opportunity to maintain and strengthen European cohesion, mainly through a transparent, simplified and smart cohesion policy protected from renationalisation, and a sustainable long-term financial plan for the Trans-European Networks, energy and free and equitable access to ICT and broadband, so as to empower people – especially young people – to use modern communication technologies with ease while at the same time adopting a self-critical approach;

40. Regards industry policy as very important in order to facilitate the transition to a sustainable economy; takes the view that the EU should promote innovation with a view to developing environmentally friendly modes of production and, where necessary, allow temporary compensation for greening European industry in the context of global markets;

41. Believes that the EU should embark on major economic projects, such as a truly European energy grid, completion of the Galileo project and the widespread application of green technology, including systematic renovation of the EU's building stock, e-health and efforts to improve and update ICT infrastructure;

42. Stresses that it regards this resolution as a first step, and will put forward a more detailed resolution on bottlenecks, problems and flagship projects in time for the June summit;

*

* *

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

Implementation of Goldstone recommendations on Israel/Palestine

P7_TA(2010)0054

European Parliament resolution of 10 March 2010 on implementation of the Goldstone recommendations on Israel/Palestine

(2010/C 349 E/06)

The European Parliament,

- having regard to the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, on which the Union is based, as set out in Article 2 of the Treaty on European Union,
- having regard to the Universal Declaration of Human Rights,
- having regard to the Geneva Conventions,
- having regard to its previous resolutions on the Middle East,
- having regard to the Council conclusions on the Middle East Peace Process adopted on 8 December 2009,
- having regard to the United Nations Fact-Finding Mission's report on the Gaza conflict,
- having regard to UN General Assembly Resolution 64/10,

Wednesday 10 March 2010

- having regard to the UN Secretary-General's report of 5 February 2010 to the UN General Assembly,
 - having regard to the UN General Assembly resolution of 26 February 2010;
 - having regard to the fact that Hamas is included in the EU's list of terrorist organisations,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas the armed conflict in Gaza that started on 27 December 2008 and ended on 18 January 2009 saw more than 1 400 Palestinians and 13 Israelis killed, and led to considerable destruction of civilian infrastructure,
- B. whereas the UN General Assembly, in its Resolution 64/10 of 5 November 2009, has called for all sides to undertake investigations that are independent, credible and in conformity with international standards,
- C. whereas, on 3 December 2009, the UN Secretary-General drew the attention of all parties to the relevant provisions of UN General Assembly Resolution 64/10, and requested written information within three months on any steps they might have taken or were in the process of taking,
- D. whereas the UN Secretary-General, in his statement of 4 February 2010, called on the parties to carry out credible domestic investigations into the conduct of the Gaza conflict,
- E. whereas the UN General Assembly, in its resolution of 26 February 2010, reiterated its call on both Israel and the Palestinian side to conduct credible investigations, and requested further reports within five months,
- F. whereas the EU's action on the international scene must be guided by strict respect for the principles and objectives of the UN Charter and for international law; recalling that, under international law, states have an obligation to respect, protect and ensure the application of international humanitarian law,
- G. whereas the Government of Israel reports that it is investigating 150 separate incidents that occurred during the operation in Gaza,
- H. whereas the Palestinian authorities set up an independent investigation commission on 25 January 2010,
- I. whereas the humanitarian crisis in the Gaza Strip has further deteriorated as a result of the blockade, which is in contravention of international humanitarian law,
1. Stresses once again the importance of achieving a just and lasting peace in the Middle East, and between Israelis and Palestinians in particular; underlines that respect for international humanitarian law and international human rights law by all parties under all circumstances and trust-building between Israelis and Palestinians are essential components of a peace process leading to two states living side by side in peace and security;
2. Reiterates its call on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy and on the Member States to work towards a strong EU common position on follow-up to the report of the fact-finding mission – led by Judge Goldstone – on the conflict in Gaza and southern Israel, publicly demanding the implementation of its recommendations and accountability for all violations of international law, including alleged war crimes;

Wednesday 10 March 2010

3. Urges both sides to conduct investigations within five months that meet international standards of independence, impartiality, transparency, promptness and effectiveness, in line with the UN General Assembly resolutions adopted on 5 November 2009 and 26 February 2010; stresses that respect for international human rights law and international humanitarian law by all parties and under all circumstances is an essential prerequisite for achieving a just and lasting peace in the Middle East;
 4. Reiterates its call on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy and on the Member States to monitor actively the implementation of the recommendations set out in the Goldstone report by consulting the EU's external missions and NGOs working in the field; calls for these recommendations and related observations to be included in EU dialogues with both sides, and in multilateral fora;
 5. Calls on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy to assess the findings of the investigations by all parties, and to report back to the European Parliament on these assessments;
 6. Welcomes the efforts made by the UN General Assembly to ensure accountability for all violations of international humanitarian law and international human rights law during the Gaza conflict, and encourages it to continue these efforts;
 7. Stresses that respect for the rule of law is a fundamental value both within the European Union and in its relations with third countries and parties; also underlines that the responsibility and credibility of the European Union and of its Member States require the investigations to be monitored fully;
 8. Urges the European Union and its Member States to take into consideration the outcomes of follow-up investigations and of the implementation of the Goldstone report's recommendations vis-à-vis all the parties referred to in that report;
 9. Stresses the importance of cooperation between official authorities and non-governmental organisations in the context of follow-up investigations and the implementation of the Goldstone report's recommendations by all sides; expresses its concern about pressure placed on NGOs involved in the preparation of the Goldstone report and in follow-up investigations, and calls on authorities on all sides to refrain from any measures restricting the activities of these organisations;
 10. Recognises the continuing plight of the people of Gaza as a result of the blockade, and welcomes the call made by the Council on 8 December 2009 for an immediate, sustained and unconditional opening of crossings;
 11. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Member States, the governments and parliaments of the Member States, the UN Secretary-General, the Quartet, the Quartet envoy to the Middle East, the Euro-Mediterranean Parliamentary Assembly, the Israeli Government and Parliament, the President of the Palestinian Authority, and the Palestinian Legislative Council.
-

Wednesday 10 March 2010

Situation of civil society and national minorities in Belarus

P7_TA(2010)0055

European Parliament resolution of 10 March 2010 on the situation of civil society and national minorities in Belarus

(2010/C 349 E/07)

The European Parliament,

- having regard to its previous resolutions on the situation in Belarus, in particular that of 17 December 2009 ⁽¹⁾,
 - having regard to the conclusions on Belarus reached by the General Affairs and External Relations Council at its meeting of 17 November 2009, involving a further suspension of the application of the visa ban on certain Belarusian officials, including President Alexander Lukashenko, and the extension of the restrictive measures until October 2010,
 - having regard to the outcome of the 2996th Foreign Affairs Council meeting of 22 February 2010 and to the statement by the High Representative, Lady Ashton, on the situation of the Union of Poles in Belarus of 16 February 2010,
 - having regard to the Declaration on the Eastern Partnership issued by the European Council on 19 March 2009 and to the Joint Declaration issued at the Prague Eastern Partnership Summit of 7 May 2009,
 - having regard to the Council of Europe Framework Convention for the Protection of National Minorities of 1 February 1995,
 - having regard to the international principles and standards concerning national minority rights, particularly those contained in the international conventions on human rights, such as the Helsinki Final Act of 1 August 1975 (Section 1.VII), the Document of the Copenhagen meeting on the Human Dimension of 29 June 1990 and the Charter of Paris for a New Europe of 21 November 1990,
 - having regard to its debate on Belarus on 24 February 2010 and to the European Parliament ad hoc delegation mission to Belarus on 25-27 February 2010 and its findings,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas, on 15 February 2010, 40 activists, mainly members of the Union of Poles in Belarus (UPB), were arrested in Belarus, including Angelika Borys (Chairwoman of the UPB), Igor Bancer (Spokesman of the UPB), Mieczysław Jaskiewicz (Vice-Chairman), Andrzej Poczobut (President of the UPB Supervisory Board) and Anatol Lebedzka, the leader of the opposition United Civil Party in Belarus, in order to prevent them from taking part in the trial concerning the Polish House in Iyvanets; whereas by 20 February all the activists were released,
- B. whereas the UPB under the Chairmanship of Angelika Borys, who has been democratically elected twice in 2005 and in 2009, is not recognised by the state authorities and has been facing regular harassment and persecutions since 2005 and whereas its members are being repeatedly accused of illegal activities and facing criminal charges,
- C. whereas the Belarusian authorities have used the police forces against the members of the UPB in Hrodna in 2005 and in Iyvanets in 2010,

⁽¹⁾ Texts adopted, P7_TA(2009)0117.

Wednesday 10 March 2010

- D. whereas the Belarusian authorities have prevented the representatives of the UPB who were called to appear at the court session as witnesses for Mrs Teresa Sobol, Chairwoman of the local branch of the UPB in Iyvanets, from attending the trial,
 - E. whereas the discrimination against the Union of Poles, the largest NGO operating in Belarus, which is led by Angelika Borys, is symptomatic of the general treatment of civil society and the democratic opposition in Belarus,
 - F. whereas the 'Polonica', a Hrodna-based company headed by Angelika Borys, the only source of funding for the UPB, has been fined 71 m roubles for allegedly violating tax regulations and is now in danger of bankruptcy,
 - G. whereas the Belarusian authorities consider Stanislaw Siemaszko to be the legitimate leader of the Union of Poles and declare support for the organisation under his leadership, considered illegitimate by the Polish community,
 - H. whereas the representatives of the European Institutions, including Mr Jerzy Buzek, the President of the European Parliament, Baroness Ashton, Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, and Mrs Cecilia Malmström, Commissioner for Home Affairs, as well as the Polish Parliament and the French Foreign Ministry, have expressed their concern about the recent actions of the Belarusian authorities against the UPB and have condemned the use of the police against its members,
 - I. whereas those actions of the Belarusian authorities are contrary to international standards for protection of national minorities set out, inter alia, in the Council of Europe's Framework Convention for the Protection of National Minorities of 1 February 1995, while Belarus has intensified its actions against membership of this organisation,
 - J. whereas the Joint Declaration of the Prague Eastern Partnership Summit, co-signed by Belarus, states in paragraph 1 that: 'The participants of the Prague Summit agree that the Eastern Partnership will be based on commitments to the principles of international law and to fundamental values, including democracy, the rule of law and the respect for human rights and fundamental freedoms',
 - K. whereas the European Council in its conclusions as of 17 November 2009 recognises that new possibilities have opened up for dialogue and deepened cooperation between the European Union and Belarus, with the aim of fostering genuine progress towards democracy and respect for human rights, and reaffirms in this context its readiness to deepen the European Union's relations with Belarus, subject to further progress towards democracy, human rights and the rule of law, as well as to assist the country in attaining these objectives,
- 1. Expresses its grave concern at the recent human rights violations in the Republic of Belarus against members of civil society, especially members of the Union of Poles, and declares its solidarity with citizens unable to enjoy their full civil rights;
 - 2. Condemns the police and legal action against the Union of Poles and any attempts by the Belarusian authorities to impose a new leadership on the Polish community; demands that the Belarusian authorities re-legalise the Union of Poles in Belarus (UPB) led by Angelika Borys and ensure that its properties are returned to them in due time;
 - 3. Reiterates its interest in an open and structured dialogue with Belarus on condition that the democratisation of the political system in Belarus leads to concrete results and reflects respect for human rights and the rule of law;
 - 4. Urges Belarus to abide by its OSCE and international commitments in terms of the protection and promotion of the rights of its minorities; calls at the same time on the authorities to improve the conditions for the functioning of civil society, especially with regard to freedom of expression and assembly, the situation of independent media, including access to the internet, and the registration of NGOs, with a view to preparing and allowing a free and fair electoral process for the municipal elections on 25 April 2010;

Wednesday 10 March 2010

5. Repeats its call in recent resolutions, in particular those of 15 January and of 17 December 2009, to guarantee freedom of speech and association and to ensure the freedom to register political parties such as the Belarusian Christian Democracy (BDC), religious freedom and the creation of conditions conducive to the activity of civil society entities NGOs (such as 'Viasna') and independent media in Belarus;

6. Urges the Belarusian authorities to release political activists such as Andrei Bandarenko and prisoners of conscience such as Ivan Mikhailau and Aristryom Dubski, to withdraw restrictive measures against civil society campaigners such as Tatiana Shaputsko, a participant in the Eastern Partnership's Civil Society Forum, and to refrain from measures aiming to control the content of the Belarusian sites of the World Wide Web;

7. Underlines that the EU dialogue with Belarus can be mutually beneficial and believes that Belarus can be supported in obtaining maximum benefits from the Eastern Partnership, in particular in the most effective use of funds allocated under this programme to infrastructure, energy and social projects and by application of other EU instruments and policies, provided the Belarusian authorities commit themselves to real changes in the area of freedoms, democracy, the rule of law and respect for human rights, and in particular the rights of national minorities;

8. Recalls that the European Union has already demonstrated considerable openness to engagement with Belarus, expressed also in Belarus's inclusion in the Eastern Partnership; recalls that the success of this engagement is conditional on steps towards democratisation and the upholding of human rights, including minority rights, by the Government of Belarus;

9. Points out that, if the Belarusian authorities adhere to fundamental human rights and democracy-related criteria, Belarus will benefit from the following items:

- the conclusion and ratification of the EU-Belarus Partnership and Cooperation Agreement (PCA),
- the effective utilisation of EU financial instruments such as European Investment Bank (EIB) instruments and the European Neighbourhood and Partnership Instrument (ENPI),
- the extension of European Bank for Reconstruction and Development (EBRD) financing to projects in Belarus, involving state entities,
- restoration of Generalised System of Preferences (GSP+) to Belarus,
- obtaining another tranche of the stabilisation loan from International Monetary Fund (IMF),
- the resumption of negotiations on Belarus's accession to the WTO,
- the support for the extension of the OECD programme to Belarus;

10. Attaches great importance to the liberalisation of political and civic life in Belarus and underlines that further violations of human rights and the rule of law in Belarus may lead to the revision of the EU's position towards Belarus, including reimposition of the sanctions;

11. Instructs its President to forward this resolution to the Council, the Commission, the parliaments and governments of the Member States, the Secretary-General of the United Nations, the Parliamentary Assemblies of the OSCE and the Council of Europe, the Secretariat of the Commonwealth of Independent States and the Parliament and Government of Belarus.

Wednesday 10 March 2010

Taxation of financial transactions

P7_TA(2010)0056

European Parliament resolution of 10 March 2010 on financial transaction taxes – making them work

(2010/C 349 E/08)

The European Parliament,

- having regard to its resolution of 24 April 2009 on the London G20 Summit of 2 April 2009 ⁽¹⁾,
 - having regard to the Leaders' Statement issued following the Pittsburgh Group of Twenty (G20) Summit of 24 and 25 September 2009,
 - having regard to its resolution of 8 October 2009 on the Pittsburgh G20 Summit of 24 and 25 September 2009 ⁽²⁾,
 - having regard to the communiqué of the St Andrews G20 meeting of Finance Ministers and Central Bank Governors of 7 November 2009,
 - having regard to the Conclusions of the European Council meeting of 10-11 December 2009, and in particular paragraph 15 thereof,
 - having regard to President Barroso's statement of 15 December 2009 to the European Parliament,
 - having regard to the letter of 18 January 2010 from the Swedish Finance Minister to the Presidency of the Council on the introduction of a stability fee in the Member States,
 - having regard to Council Directive 2008/7/EC of 12 February 2008 concerning indirect taxes on the raising of capital ⁽³⁾,
 - having regard to the Commission proposal for a directive amending Directive 2006/112/EC on the common system of value added tax, as regards the treatment of insurance and financial services (COM(2007)0747),
 - having regard to the question of 24 February 2010 to the Commission on financial transaction taxes – making them work (O-0025/2010 – B7-0019/2010),
 - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas Parliament has welcomed the investigative work initiated at G20 level, following the Pittsburgh Summit in September 2009 towards an international framework for financial transaction taxation,
- B. whereas Parliament has called for speedy progress to ensure that the financial sector contributes fairly towards economic recovery and development since substantial costs and consequences of the financial crisis are being borne by the real economy, taxpayers, consumers, public services and society in general,

⁽¹⁾ Texts adopted, P6_TA(2009)0330.

⁽²⁾ Texts adopted, P7_TA(2009)0028.

⁽³⁾ OJ L 46, 21.2.2008, p. 11.

Wednesday 10 March 2010

- C. whereas the European Council has emphasised the importance of renewing the economic and social contract between financial institutions and the society they serve and of ensuring that the public benefits in good times and is protected from risk; whereas the European Council has, in this context, encouraged the IMF to consider the full range of options, including a global financial transaction levy, in its review; whereas, in this context, the European Council has also called on the Council and the Commission to identify the key principles which new global arrangements would need to respect,
- D. whereas several Member States have called for a financial transaction tax,
- E. whereas the new regulatory initiatives, such as action against tax havens, removal of off-balance-sheet loopholes, requirements for exchange trading and use of trade repositories for registration of derivatives, have clearly changed the context of political action in this area,
- F. whereas the Commission, following questions raised at the meeting between the Economic and Monetary Affairs Committee and the Commissioner responsible for taxation on 6 October 2009, and as confirmed by President Barroso in his statement to Parliament on 15 December 2009, is currently working on ideas for 'innovative financing' in the context of global challenges, including financial transaction taxes in order to put forward proposals at an appropriate time,
- G. whereas the IMF is currently seeking views from the public on the matter of financial-sector taxation as part of the request made by the G20 at the Pittsburgh Summit of 24 and 25 September 2009,
- H. whereas taxes and levies on financial transactions exist in different forms in the Member States; whereas these national taxes and duties usually cover only transactions of selected assets; whereas Belgium and France have adopted legislation on a currency transaction tax at national level, but will only put it into effect if implemented at EU level,
- I. whereas, unlike other forms of taxation, indirect taxes on the raising of capital, such as capital duty, the stamp duty on securities and duty on restructuring operations, give rise to discrimination, double taxation and disparities which interfere with the free movement of capital,
- J. whereas there has been a huge and rapid increase over the past decade in the volume of financial transactions as compared to the volume of trade in goods and services, which can be explained, amongst other things, by the fast-growing derivatives market,
- K. whereas the G20 leaders have a collective responsibility to mitigate the social impact of the crisis, both in their member states and in developing countries, which have been hard-hit by the indirect effects of the crisis; whereas a financial transaction tax would contribute towards covering the costs generated by the crisis,
1. Is of the opinion that the European Union should agree on a common position in the international framework of G20 meetings as regards the options as to how the financial sector should make a fair and substantial contribution towards paying for any burden which it has caused to the real economy or which is associated with government interventions to stabilise the banking system; takes the view that the EU, in parallel to and consistent with the G20 work, should develop its own strategy with regard to the range of possible options for action;
2. Considers, with a view to reaching a coherent EU position based on objective analysis, that the Commission should elaborate, sufficiently in advance of the next G20 Summit, an impact assessment of a global financial transaction tax, exploring its advantages as well as drawbacks;

Wednesday 10 March 2010

3. Urges the Commission to carefully consider in its assessment, the following aspects:
 - (a) past experiences with financial transaction taxes, especially in terms of tax avoidance behaviour and migration of capital or service provision to alternative locations, especially the impact of such taxes on individual investors and SMEs;
 - (b) the benefits and drawbacks of the introduction of financial transaction taxes in the European Union alone, as compared to their introduction at global level and to the current situation;
 - (c) the potential to generate substantial revenue in comparison to other sources of tax revenues, collection costs and distribution of revenues among countries;
 - (d) the fact that, when assessing the potential revenues from financial transaction taxes at global or European level, account should be taken of different design options, whilst quantifying the increase in transaction costs in all markets potentially concerned (transaction on organised exchanges, over-the-counter transactions) and for Business to Business (B2B) and Business to Consumers B2C transactions;
 - (e) the fact that the assessment should also take into account the potential of the different options to affect both price levels and stability in the short term and long run, as well as financial transactions and liquidity;
 - (f) how a financial transaction tax needs to be designed in order to mitigate the negative side effects usually associated with indirect taxes on the raising of capital;
 - (g) to what extent a financial transaction tax would contribute to the stabilisation of the financial markets in terms of its effect on excessive short-term trading and speculation and on transparency;
 - (h) whether a financial transaction tax could prevent a future financial crisis by targeting certain types of 'undesirable' transactions; which should be defined by the Commission;
 4. Stresses that any solution must imperatively avoid reducing EU competitiveness or hampering sustainable investment, innovation and growth, which benefit the real economy and society;
 5. Underlines the importance of taking into account the need for the banking sector to build up healthy capital, ensuring the banking system's ability to finance real economy investments; and that excessive risk taking is prevented;
 6. Calls on the Commission and the Council to assess the potential of different financial transaction tax options to contribute to the EU budget;
 7. Calls on the Commission and the Council to assess to which extent the options under consideration could also be used as innovative financial mechanisms to provide support for adaptation to and mitigation of climate change for developing countries, as well as for financing development cooperation;
 8. Instructs its President to forward this resolution to the Council, the Commission, the European Central Bank and the governments and parliaments of the Member States.
-

Wednesday 10 March 2010

Single Euro Payments Area (SEPA)

P7_TA(2010)0057

European Parliament resolution of 10 March 2010 on the implementation of the Single Euro Payments Area (SEPA)

(2010/C 349 E/09)

The European Parliament,

- having regard to the joint statement from the Commission and the European Central Bank of 4 May 2006 on the Single Euro Payments Area,
- having regard to the European Central Bank Occasional Paper No 71 of August 2007 on the economic impact of the Single Euro Payments Area,
- having regard to Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market ⁽¹⁾ (Payment Services Directive),
- having regard to the European Parliament resolution of 12 March 2009 on the implementation of the Single Euro Payments Area ⁽²⁾,
- having regard to the joint statement by the European Commission and the European Central Bank clarifying certain principles underlying a future SEPA Direct Debit (SDD) business model of 24 March 2009,
- having regard to the Commission's second survey on public administrations' preparedness and migration to SEPA of 22 July 2009,
- having regard to the Communication from the Commission of 10 September 2009: Completing SEPA: a Roadmap for 2009-2012 (COM(2009)0471),
- having regard to Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 ⁽³⁾,
- having regard to the Working Document of the Commission of 30 October 2009: Applicability of Article 81 of the EC Treaty to multilateral interbank-payments in SEPA Direct Debit (SEC(2009)1472),
- having regard to the Commission's second annual Progress Report on the State of SEPA Migration in 2009 of 9 November 2009,
- having regard to the Council conclusions of 2 December 2009 on SEPA,
- having regard to Rules 115(5) and 110(2) of its Rules of Procedure,

A. whereas the Single Euro Payments Area (SEPA) is to be an integrated market for payment services, which is subject to effective competition and in which there is no distinction between cross-border and national payments in euros,

⁽¹⁾ OJ L 319, 5.12.2007, p. 1.

⁽²⁾ Texts Adopted, P6_TA(2009)0139.

⁽³⁾ OJ L 266, 9.10.2009, p. 11.

Wednesday 10 March 2010

- B. whereas SEPA should be not only a self-regulatory initiative by the European Payments Council (EPC), but also a major public policy initiative reinforcing the Economic and Monetary Union and the future EU 2020 Strategy; whereas SEPA is supported by the Payment Services Directive, which provides the necessary harmonised legal framework; and whereas the success of SEPA is, therefore, a matter of particular interest to Parliament,
- C. whereas the SEPA decision-making process is currently at the discretion of the European Payments Council (EPC), where only banks take decisions on SEPA products neglecting end-users' requests,
- D. whereas SEPA officially started on 28 January 2008 with the launch of the SEPA payment instrument for credit transfer (SCT), while the SEPA Cards Framework has been in force since 1 January 2008, and the SEPA Direct Debit (SDD) scheme started on 2 November 2009,
- E. whereas consumers have expressed concern that the features of SEPA products should meet existing end-users' needs, notably in relation to the checking of mandates for direct debits, and whereas it is desirable that progress is made towards addressing this issue,
- F. whereas no legally binding end-date for migration to SEPA instruments has been set, and whereas a large majority responding to a public consultation by the Commission supported the idea of setting such an end-date to stimulate SEPA migration,
- G. whereas the Commissioner-designate for the Internal Market and Services stated in his written answers to Parliament's questionnaire that he intended to propose a legislative initiative for adoption by the Commission with the objective of setting one or more deadlines for migration to SEPA products for direct debits and credit transfers, as well as an initiative to improve governance,
- H. whereas migration to SEPA has been sluggish: in August 2009, only 4.5 % of total transactions had been made by way of the SEPA Credit Transfer format, and whereas the deadline originally foreseen, namely the migration of a critical mass for SCT, SDD and card payments by end-2010, has become unrealistic,
- I. whereas migration to SEPA instruments by public administrations is lagging behind expectations in most Member States, though these bodies should play a catalytic role in creating the critical mass needed to accelerate migration towards SEPA,
- J. whereas it is important that all relevant stakeholders – legislators, the banking industry and payment services users – are involved in the achievement of SEPA,
- K. whereas the use of SEPA instruments merely for cross-border payment transactions would not result in the success of the SEPA project, as fragmentation would persist and anticipated benefits for the banking industry as well as for its customers could not be realised,
- L. whereas Regulation (EC) No 924/2009 provides for legal certainty as regards the application of multi-lateral interchange fees (MIF) during a transitional period until 31 October 2012, in which industry should develop and agree a common, long-term business model for the operation of the SEPA Direct Debit which should be in line with EC competition law and the Community regulatory framework,
- M. whereas in March 2009, the Commission and the European Central Bank indicated that there appeared to be no clear and convincing reason for a per transaction MIF to exist after 31 October 2012, and whereas the Commission conducted a public consultation on the applicability of Article 81 of the EC Treaty to multilateral interbank-payments in SEPA Direct Debit,
- N. whereas the application of a MIF should also be resolved definitely with regard to an EU card solution based on the SEPA Cards Framework,
- O. whereas the continued legal validity of existing direct debit mandates should be ensured in all Member States, as the obligation to sign new mandates when switching from national direct debit schemes to the SEPA Direct Debit scheme would be burdensome; whereas, however, the maintenance of these mandates does not contribute to an early implementation of the SEPA Direct Debit scheme unless a solution to migrating existing mandates is found,

Wednesday 10 March 2010

1. Emphasises its continued support for the creation of SEPA, which is subject to effective competition and in which there is no distinction between cross-border and national payments in euros;
 2. Regrets that hardly any progress has been made as regards the issues mentioned in Parliament's resolution on the implementation of SEPA of 12 March 2009 since its adoption, and calls for the involvement of all stakeholders to promote and contribute to achieving SEPA;
 3. Welcomes the SEPA roadmap adopted by the Commission in September 2009, and fully supports the actions set out therein in six priority areas (i.e. foster migration; raise SEPA awareness and promote SEPA products; design a sound legal environment for SEPA and strengthen SEPA compliance; promote innovation; ensure necessary standardisation, interoperability and security; clarify and improve the governance of SEPA);
 4. Calls again on the Commission to set a clear, appropriate and binding end-date, which should be no later than 31 December 2012, for migrating to SEPA instruments, after which all payments in euros must be made using the SEPA standards;
 5. Calls on the European Payment Council to take into consideration the end-users' requests and subsequently modify its rulebooks;
 6. Fully supports the Commission's intention to foster public administrations' migration process through the drawing up of integrated and synchronised national migration plans; in this respect, welcomes the Commission's efforts to survey and publish the Member States' public administrations' preparedness and migration to SEPA, and calls on Member States to take part in these surveys;
 7. Calls on the Commission to clarify definitely and no later than 30 September 2010, based on the outcome of the respective consultation, including all the stakeholders, the issue of a harmonised long-term economic model for SEPA direct debits, which has to be Europe-wide applicable, cost efficient and end-consumer convenient; insists on the need for this model to be developed in close cooperation between the payment sector and the Commission and in line with EC competition law and the Community regulatory framework;
 8. Calls on all stakeholders to support the setting-up of a European card scheme, to be either a complementary new scheme, an alliance between existing schemes or an expansion of an existing scheme; in this respect, calls again on the Commission to clarify further the issue of a MIF for card payments, and calls on the industry to find proper solutions, in close cooperation with the Commission, in line with EC competition law and the Community regulatory framework;
 9. Calls on Member States to ensure the continued legal validity of existing direct debit mandates in the SEPA Direct Debit scheme; emphasises that the transition from the existing direct debit scheme to the SEPA Direct Debit scheme should not cause any burden for consumers;
 10. Insists that consumers should be clearly informed about the differences between the former scheme and the new scheme;
 11. Calls on the Commission to monitor the migration to SEPA instruments and ensure that it does not result in a more expensive payment system for EU citizens;
 12. Instructs its President to forward this resolution to the Council, the Commission, the European Central Bank and the Governments and Parliaments of the Member States.
-

Wednesday 10 March 2010

Anti-Counterfeiting Trade Agreement (ACTA)

P7_TA(2010)0058

European Parliament resolution of 10 March 2010 on the transparency and state of play of the ACTA negotiations

(2010/C 349 E/10)

The European Parliament,

- having regard to Articles 207 and 218 of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to its resolution of 9 February 2010 on a revised Framework Agreement between the European Parliament and the Commission for the next legislative term ⁽¹⁾,
 - having regard to its resolution of 11 March 2009 regarding public access to European Parliament, Council and Commission documents (recast), to be considered as Parliament's position at first reading ⁽²⁾ (COM(2008)0229 – C6-0184/2008 – 2008/0090(COD)),
 - having regard to its resolution of 18 December 2008 on the impact of counterfeiting on international trade ⁽³⁾,
 - having regard to the European Data Protection Supervisor's Opinion of 22 February 2010 on the current negotiations by the European Union of an Anti-Counterfeiting Trade Agreement (ACTA),
 - having regard to the Charter of Fundamental Rights of the European Union, and in particular Article 8 thereof,
 - 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, as last amended by Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009,
 - having regard to Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the internal market ('Directive on Electronic Commerce'),
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas in 2008 the European Union and other OECD countries opened negotiations on a new multilateral agreement designed to strengthen the enforcement of intellectual property rights (IPRs) and combat counterfeiting and piracy (Anti-Counterfeiting Trade Agreement – ACTA), and jointly agreed on a confidentiality clause,
- B. whereas in its report of 11 March 2009 Parliament called on the Commission to 'immediately make all documents related to the ongoing international negotiations on the Anti-Counterfeiting Trade Agreement (ACTA) publicly available',
- C. whereas on 27 January 2010 the Commission provided assurances as to its commitment to a reinforced association with Parliament, in line with Parliament's resolution of 9 February 2010 on a revised Framework Agreement with the Commission calling for 'immediate and full information at every stage of negotiations on international agreements (...), in particular on trade matters and other negotiations involving the consent procedure, (...) to give full effect to Article 218 of the TFEU',

⁽¹⁾ Texts adopted, P7_TA(2010)0009.

⁽²⁾ Texts adopted, P6_TA(2009)0114.

⁽³⁾ Texts adopted, P6_TA(2008)0634.

Wednesday 10 March 2010

- D. whereas Council representatives have attended rounds of ACTA negotiations alongside Commission representatives,
- E. whereas the Commission, as guardian of the Treaties, is obliged to uphold the *acquis communautaire* when negotiating international agreements affecting legislation in the EU,
- F. whereas, according to documents leaked, the ACTA negotiations touch on, among other things, pending EU legislation regarding the enforcement of IPRs (2005/0127 (COD) – Criminal measures aimed at assuring the enforcement of intellectual property rights (IPRED-II)) and the so-called ‘Telecoms Package’ and on existing EU legislation regarding e-commerce and data protection,
- G. whereas the ongoing EU efforts to harmonise IPR enforcement measures should not be circumvented by trade negotiations which are outside the scope of normal EU decision-making processes,
- H. whereas it is crucial to ensure that the development of IPR enforcement measures is accomplished in a manner that does not impede innovation or competition, undermine IPR limitations and personal data protection, restrict the free flow of information or unduly burden legitimate trade,
- I. whereas any agreement reached by the European Union on ACTA must comply with the legal obligations imposed on the EU with respect to privacy and data protection law, notably as set out in Directive 95/46/EC, Directive 2002/58/EC and the case-law of the European Court of Human Rights and the Court of Justice of the European Union (CJEU),
- J. whereas the Lisbon Treaty has been in force since 1 December 2009,
- K. whereas, as a result of the entry into force of the Lisbon Treaty, it will have to give its consent to the ACTA Treaty text prior to its entry into force in the EU,
- L. whereas the Commission has committed itself to providing immediate and full information to Parliament at every stage of negotiations on international agreements,
1. Points out that since 1 December 2009 the Commission has had a legal obligation to inform Parliament immediately and fully at all stages of international negotiations;
2. Expresses its concern over the lack of a transparent process in the conduct of the ACTA negotiations, a state of affairs at odds with the letter and spirit of the TFEU; is deeply concerned that no legal base was established before the start of the ACTA negotiations and that parliamentary approval for the negotiating mandate was not sought;
3. Calls on the Commission and the Council to grant public and parliamentary access to ACTA negotiation texts and summaries, in accordance with the Treaty and with Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents;
4. Calls on the Commission and the Council to engage proactively with ACTA negotiation partners to rule out any further negotiations which are confidential as a matter of course and to inform Parliament fully and in a timely manner about its initiatives in this regard; expects the Commission to make proposals prior to the next negotiation round in New Zealand in April 2010, to demand that the issue of transparency is put on the agenda of that meeting and to refer the outcome of the negotiation round to Parliament immediately following its conclusion;

Wednesday 10 March 2010

5. Stresses that, unless Parliament is immediately and fully informed at all stages of the negotiations, it reserves its right to take suitable action, including bringing a case before the Court of Justice in order to safeguard its prerogatives;
 6. Deplores the calculated choice of the parties not to negotiate through well-established international bodies, such as WIPO and WTO, which have established frameworks for public information and consultation;
 7. Calls on the Commission to conduct an impact assessment of the implementation of ACTA with regard to fundamental rights and data protection, ongoing EU efforts to harmonise IPR enforcement measures, and e-commerce, prior to any EU agreement on a consolidated ACTA treaty text, and to consult with Parliament in a timely manner about the results of the assessment;
 8. Welcomes affirmations by the Commission that any ACTA agreement will be limited to the enforcement of existing IPRs, with no prejudice for the development of substantive IP law in the European Union;
 9. Calls on the Commission to continue the negotiations on ACTA and limit them to the existing European IPR enforcement system against counterfeiting; considers that further ACTA negotiations should include a larger number of developing and emerging countries, with a view to reaching a possible multilateral level of negotiation;
 10. Urges the Commission to ensure that the enforcement of ACTA provisions – especially those on copyright enforcement procedures in the digital environment – are fully in line with the *acquis communautaire*; demands that no personal searches will be conducted at EU borders and requests full clarification of any clauses that would allow for warrantless searches and confiscation of information storage devices such as laptops, cell phones and MP3 players by border and customs authorities;
 11. Considers that in order to respect fundamental rights, such as the right to freedom of expression and the right to privacy, while fully observing the principle of subsidiarity, the proposed agreement should not make it possible for any so-called ‘three-strikes’ procedures to be imposed, in full accordance with Parliament’s decision on Article 1.1b in the (amending) Directive 2009/140/EC calling for the insertion of a new paragraph 3(a) in Article 1 of Directive 2002/21/EC on the matter of the ‘three strikes’ policy; considers that any agreement must include the stipulation that the closing-off of an individual’s Internet access shall be subject to prior examination by a court;
 12. Emphasises that privacy and data protection are core values of the European Union, recognised in Article 8 ECHR and Articles 7 and 8 of the EU Charter of Fundamental Rights, which must be respected in all the policies and rules adopted by the EU pursuant to Article 16 of the TFEU;
 13. Points out that ACTA provisions, notably measures aimed at strengthening powers for cross-border inspection and seizure of goods, should not affect global access to legitimate, affordable and safe medicinal products – including innovative and generic products – on the pretext of combating counterfeiting;
 14. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the states party to the ACTA negotiations.
-

Wednesday 10 March 2010

Regulation applying a scheme of generalised tariff preferences

P7_TA(2010)0059

European Parliament resolution of 10 March 2010 on the regulation applying a scheme of generalised tariff preferences

(2010/C 349 E/11)

The European Parliament,

- having regard to the General Agreement on Tariffs and Trade (GATT), and in particular the 1979 ‘enabling clause’,
 - having regard to its legislative resolution of 5 June 2008 on the proposal for a Council regulation applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011 (2007/0289(CNS)),
 - having regard to Council Regulation (EC) No 732/2008 of 22 July 2008,
 - having regard to Chapter 1 of Title V of the Treaty on European Union (TEU),
 - having regard to Article 207 of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas the ‘enabling clause’ is the WTO legal basis for the generalised system of preferences (GSP),
- B. whereas, since 1971, the Community has granted trade preferences to developing countries, within its scheme of generalised tariff preferences,
- C. whereas Parliament was consulted on the Commission proposal for a Council regulation on GSP for the period from 1 January 2009 to 31 December 2011 (COM(2007)0857),
- D. whereas the Lisbon Treaty entered into force on 1 December 2009,
- E. whereas, pursuant to Chapter 1 of Title V TEU, the Union’s action on the international scene must be guided by the principles of democracy, the rule of law and the universality and indivisibility of human rights and fundamental freedoms, and must foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty,
- F. whereas, pursuant to Article 207 TFEU, Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure (OLP), must adopt the measures defining the framework for implementing the common commercial policy,
1. Recognises the importance of the GSP, which allows developed countries to offer non-reciprocal preferential treatment in respect of products originating in developing countries;
 2. Points out that the creation of the GSP by the European Community in 1971 was explained as being an instrument for resolving trade imbalances between developed and developing countries and was expected to contribute to their sustainable development; considers that it has been an EC and EU trade instrument to assist developing countries by generating revenue through international trade, thus contributing to their sustainable development and good governance;

Wednesday 10 March 2010

3. Notes that the current GSP regulation will expire on 31 December 2011; therefore, taking into account the time necessary for the adoption of a new regulation under the OLP, calls on the Commission to propose a revised GSP regulation to the European Parliament and the Council by 1 June 2010;
 4. Considers that the preferences granted under the GSP should be targeted on the developing countries that need them most, so that the new list of beneficiary countries should reflect the actual economic situation of developing countries;
 5. Stresses that all countries benefiting from the GSP+ scheme should, under Article 15(1), not only ratify but also effectively implement all 27 ILO and UN conventions listed in Annex III to the GSP Regulation;
 6. Stresses the need for more transparency and democratic accountability on how the investigation processes are initiated and conducted; therefore asks to be fully informed and adequately involved by the Commission at all the various stages of GSP and GSP+ procedures, including with regard to the Council proposal on the lists of beneficiary countries;
 7. Calls on the Commission to closely monitor the situation in Sri Lanka and on the Sri Lankan Government to quickly react to normalise the situation in the country before the actual implementation of the suspension of GSP+;
 8. Calls on the Commission to closely monitor the human rights situation in Colombia and to report to Parliament;
 9. Calls on the Commission to pursue a coherent policy on GSP+, particularly when addressing possible suspension of the scheme in the event of human rights violations, and to fully involve Parliament in the process;
 10. Urges the Commission to submit to the European Parliament and the Council - before the present regulation ceases to apply and in time for discussion of the next regulation - a report on the state of ratification and implementation of the 27 conventions by each country benefiting from the special incentive arrangements; calls on the Commission to define, in its revised GSP regulation, the monitoring bodies which are to recommend whether additional steps for the effective implementation of a convention should be taken by a specific country; states that, in that report, the Commission must also evaluate the effectiveness of the special incentive arrangements in fulfilling their aim and recommend, where appropriate, revision of Annex III;
 11. Asks the Commission to make provision in its revised GSP regulation for a regular assessment of compliance by each beneficiary country with its commitments under GSP+, and thus ensure that none of the reasons set out in Article 15(1) and (2) and Article 16(1) and (2) for the temporary withdrawal of preferential arrangements applies; calls for that annual report to be sent to Parliament and the Council;
 12. Calls on the Commission, before it revises the system, to conduct an impact assessment of the effects of the GSP over the period from 1 January 2006 to 31 December 2009 and to evaluate how its initial aims have been met as regards the specific socio-economic indicators relevant for each country, and, in particular, poverty reduction; states that the study must subsequently be submitted to Parliament and the Council; states that the new proposal for a revised GSP regulation must duly take into consideration the results of the impact assessment;
 13. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
-

Wednesday 10 March 2010

2008 annual report on the CFSP

P7_TA(2010)0060

European Parliament resolution of 10 March 2010 on the annual report from the Council to the European Parliament on the main aspects and basic choices of the Common Foreign and Security Policy (CFSP) in 2008, presented to the European Parliament in application of Part II, Section G, paragraph 43 of the Interinstitutional Agreement of 17 May 2006 (2009/2057(INI))

(2010/C 349 E/12)

The European Parliament,

- having regard to the annual report from the Council to the European Parliament on the main aspects and basic choices of the Common Foreign and Security Policy (CFSP) in 2008, presented to the European Parliament in application of Part II, Section G, paragraph 43 of the Interinstitutional Agreement of 17 May 2006 ⁽¹⁾,
 - having regard to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, in particular Title V of the Treaty on European Union as thus amended, entitled 'General Provisions on the Union's External Action and Specific Provisions on the Common Foreign and Security Policy',
 - having regard to the European Security Strategy (ESS) adopted by the European Council on 12 December 2003 and the Report on the Implementation of the ESS adopted on 11 December 2008,
 - having regard to the above-mentioned Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management,
 - having regard to its resolutions on the 2006 and 2007 CFSP annual reports, of 5 June 2008 ⁽²⁾ and 19 February 2009 ⁽³⁾ respectively,
 - having regard to its resolution of 22 October 2009 on the institutional aspects of setting up the European External Action Service ⁽⁴⁾,
 - having regard to Rule 119(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Budgets (A7-0023/2010),
- A. whereas the role of the European Union as a global player has increased over the last decades, and whereas a new approach and further financial means are needed if the EU is to act collectively and meet global challenges in a democratic, coherent, consistent and efficient manner,
- B. whereas the European Union, in its relations with the wider world, shall further develop its foreign policy objectives, uphold and promote its values and interests, contribute to the protection of its citizens and advance these values worldwide with the aim of contributing to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as the strict observance and development of international law, including respect for the principles of the United Nations Charter, whereas the promotion of human rights, in particular the universality and indivisibility of human rights and fundamental freedoms, shall be at the centre of the EU's external action and whereas the Charter of Fundamental Rights is now binding on the external activities of the EU,

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ Texts adopted, P6_TA(2008)0254.

⁽³⁾ Texts adopted, P6_TA(2009)0074.

⁽⁴⁾ Texts adopted, P7_TA(2009)0057.

Wednesday 10 March 2010

- C. whereas the Treaty of Lisbon brings a new dimension to the external action of the Union as a whole, including the CFSP, which together with the legal personality of the EU and the relevant institutional innovations, notably the creation of the office of Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy ('the Vice-President/High Representative') and the setting-up of the European External Action Service (EEAS), could be a decisive factor in the coherence, consistency and effectiveness of the Union's external action and could significantly enhance its shaping power in the international arena,
- D. whereas further efforts are needed to improve the timeliness of the response of the EU to political crises and regional conflicts; whereas the present decision-making and funding mechanisms can hamper timely and comprehensive reactions and whereas ways must be found to further limit and overcome the unanimity rule,
- E. whereas it is essential to correctly identify, and act in accordance with, the common European interests in order to attain the objectives of the Union's external actions and in particular those of its Common Foreign and Security Policy (CFSP); whereas it is essential to ensure that all policies decided and actions taken are also in accordance with international law, including the principles laid down in the UN Charter,
- F. whereas the promotion of peace, human rights and the rule of law worldwide are the central goals of the EU's external policies,
- G. whereas the Treaty of Lisbon mandates the Vice-President/High Representative to assist the Council and the Commission in ensuring consistency between the different areas of external action and between these and the Union's other policy areas,
- H. whereas as from the date of entry into force of the Treaty of Lisbon the European Union exercises all rights and assumes all obligations of the European Community whilst continuing to exercise existing rights and assume obligations of the EU,
- I. whereas the new security challenges require a stronger emphasis to be placed on strengthening, combining and balancing different civilian and military instruments across the spectrum of conflict prevention, conflict resolution, crisis management and peace-building activities,
- J. whereas some 10 years after the launching of the European Security and Defence Policy (ESDP), during which period some 23 missions have been deployed in crisis areas, there is a need to enhance military and civilian capabilities and consolidate structures so as to adequately reflect the role which the Common Security and Defence Policy (CSDP) plays in supporting the CFSP and in delivering international security,

Principles of European external action

1. Calls on the Vice-President/High Representative and her services to develop – with a view to deepening the Union's collective strategic thinking – a coherent EU foreign policy strategy based on the objectives and principles established in Article 21 TEU; is of the opinion that such a strategy should clearly identify the common security interests of the EU and thereby serve as a reference framework for policy-making as well as for the formulation, financing, implementation and monitoring of the EU's external action; calls on the Vice-President/High Representative to fully associate the European Parliament's relevant bodies in such an endeavour; believes that the concepts of Human Security as defined by the 2007 Madrid Report of the Human Security Study Group, and Responsibility to Protect, as defined by the 2005 World Summit Outcome Document, should become two of its guiding principles;

The Council's 2008 annual report on the CFSP

2. Welcomes the Council's ambition to take a more strategic, theme-driven and streamlined approach to CFSP issues when drawing up its 2008 annual report; also commends the introduction by the Council of a more transparent structure, with main chapters on past activities and, in particular, future prospects in the CFSP area; also notes the improvement in the report as regards the elaboration of the regional context of external actions;

Wednesday 10 March 2010

3. Stresses once again that the scope of the report should not be limited simply to a description of CFSP activities but should provide the opportunity to establish a dialogue with the European Parliament aimed at developing a more strategic approach to the CFSP; recommends that the annual CFSP report be turned into a yearly report discussing the implementation of the EU's foreign policy strategy, evaluating its effectiveness and outlining its future direction; recommends further that more references be made to the budgetary needs and financial impact of external actions in such reporting;

4. Believes in the added value of a more extensive and comprehensive approach in the context of the CFSP annual reports and specifically their chapters on regional groups and partners and on the interconnections between CFSP/CSDP missions and other instruments promoting the EU's role as a global player; is of the view that such a perspective would, among other things, afford a better overview of the total contribution from the EU budget in a given region;

5. Reiterates its position that, in order to enhance the democratic legitimacy of the CFSP, Parliament's competent bodies should be consulted on the launch of CSDP missions and that decisions should where appropriate take into account, and contain references to, the positions adopted by Parliament; considers that such consultation should include information about the rationale behind the chosen course of action and an explanation as to how the mission relates to relevant EU and international actions, what financial implications it entails and how it interacts with other EU instruments;

Implications of the Treaty of Lisbon

6. Welcomes the entry into force of the Treaty of Lisbon, which provides the EU with tools for the further enhancement of its role and visibility on the international scene; stresses, in this respect, the fundamental role that each Member State, the Council and the new Vice-President/High Representative must play in translating the written provisions of the Treaty into actual facts and substantial action by strengthening the EU's relations with its strategic partners and consolidating its leadership in multilateral forums; underlines the importance of the Treaty provision according to which the competence of the Union in matters of the CFSP will now cover all areas of foreign policy and all questions relating to the Union's security, including the progressive framing of a common defence policy that might lead to a common defence;

7. Notes that the President of the European Council will 'at his level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy'; warns, however, that this must be done without prejudicing the powers of the Vice-President/High Representative, and in full acknowledgment of the key role played by the European Commission, not only in establishing and maintaining the *acquis communautaire* in terms of external relations, but also in ensuring the external representation of the Union, with the exception of the CFSP;

8. Welcomes the role to be played by the Vice-President/High Representative in chairing the Foreign Affairs Council and the fact that her representative is to chair the Political and Security Committee (PSC); expects these new functions to consolidate inter-institutional contacts and foster a more stable dialogue between the institutions; invites the Vice-President/High Representative to build on the experience of the periodic appearances by the outgoing High Representative and External Relations Commissioners before Parliament in plenary and before its Committee on Foreign Affairs, and on the practice of informal meetings, in order to step up and develop regular, systematic and substantive consultations with Parliament and its competent bodies;

9. Is of the view that the merging of the inter-governmental and Community pillars and functions into one single post of the Vice-President/High Representative, who is subject to a collective vote of consent by the European Parliament, can increase the democratic legitimacy of CFSP activities provided a continuous strategic dialogue is established on an equal footing between Parliament, the Council and the Commission at all levels;

Wednesday 10 March 2010

10. Stresses that Member States should work in a spirit of mutual political solidarity for the achievement of an ever-increasing degree of convergence of actions in the field of the CFSP;

11. Reiterates that, in order to allow the EU to play an active role in the world, sufficient funds need to be allocated in the EU budget; regrets that the relevant budget continues to be underfunded and expresses its serious concern over the consequences of under-financing for the Union's ability to conduct a credible and proactive foreign policy; underlines the need to equip the Union with the necessary financial means for a consistent and adequate response to unforeseen global challenges and, in this regard, looks forward to being consulted on, and fully involved in, the procedures for granting rapid access to appropriations in the Union budget for urgent financing of CFSP initiatives; calls on the Vice-President/High Representative to develop at the same time an effective communication strategy to better inform EU citizens of the purposes and the merits of the CFSP and, in this regard, strongly reiterates the importance of the democratic legitimacy and scrutiny of the European Union's foreign and security policy;

12. Reiterates its concerns about the lack of transparency and information as regards the financing of the common costs of EU operations having military or defence implications, since the Athena mechanism clearly does not afford an overview of all the financial implications of missions conducted under the CFSP; welcomes, therefore, the setting-up of the start-up fund under Article 41(3) TEU and asks to be consulted on its management, in line with the EP's general prerogatives in relation to the CFSP and the CDSP as defined in Article 36 TEU; points out that increased participation by Parliament in defining, monitoring and following up the CFSP ensues from both the interconnection between the CFSP and the CDSP, as underlined in Article 42 TEU, and the enhanced parliamentary scrutiny at national and European level enshrined in Protocol No 1 thereto;

13. Calls on the Council, the Commission and the Vice-President/High Representative to seize the opportunity offered by the setting-up of the EEAS to create a more coherent, consistent and effective foreign policy; expects in this regard that the basic values and objectives of the Union's foreign policy such as respect for and promotion of human rights, as enshrined in the now legally binding Charter of Fundamental Rights, and priorities of the Union's foreign policy such as crisis management and peace building, will be duly mirrored in the structure of the EEAS, including in the human resources; reiterates that the setting-up and operation of the EEAS must preserve the European Parliament's rights of democratic and budgetary scrutiny;

14. Notes that the Treaty of Lisbon has substantial implications for the CFSP by reorganising administrative responsibilities, and therefore calls on the Council and the Commission to ensure that the economies of scale in terms of support structures lead to a reduction in administrative costs;

15. Stresses the need to establish greater clarity on the criteria for the appointment and evaluation of EU Special Representatives (EUSRs), bearing in mind also the need for sufficient representation of both genders; recalls that at present Parliament has no means of challenging an EUSR's individual mandate, since appropriations for the exercise of such a mandate are included in Article 19 03 06, which covers all EUSR mandates; calls, therefore, for increased parliamentary scrutiny of, and control over, EUSR appointments and mandates; considers that relevant EUSRs should gradually be phased out and their functions carried out by country-based EU Heads of Delegation while EUSRs with regional responsibilities must coordinate and provide political guidance to EU Heads of Delegation under the authority of the Vice-President/High Representative in the countries concerned in order to ensure coherent and consistent European external action; points out that double-hatting is, in this respect, the first – but not the only – step that needs to be taken in order to create economies of scale and make the CFSP more efficient; calls on the Vice-President/High Representative to take steps with a view to entrusting EUSRs with the task of coordinating and providing political guidance also with regard to CSDP missions within their remit;

16. Requests the Vice-President/High Representative to consult Parliament's relevant committee about appointments she makes to senior posts in the EEAS, including EUSRs; determines to invite certain EUSRs and Heads of Delegation to appear before the committee on their appointment;

Wednesday 10 March 2010

17. Notes that the Treaty of Lisbon includes new financial procedures for the CFSP, strengthens the dialogue between the Council and Parliament on the CFSP by introducing two annual debates to be held with the Vice-President/High Representative, and details the role and responsibilities of Parliament in relation to the CSDP; calls, therefore, for a review and extension of existing inter-institutional agreements, with the involvement of its Committee on Foreign Affairs, so as to ensure the smooth and efficient implementation of the budgetary, consultation and supervision procedures for the CFSP and the CSDP and to improve access to sensitive information; draws particular attention in this regard to the above-mentioned Interinstitutional Agreement of 17 May 2006 and to the Interinstitutional Agreement of 20 November 2002 between the European Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy⁽¹⁾; expresses its determination to exercise its budgetary power and its democratic scrutiny with regard to the CFSP in connection with all institutional innovations, including the funding arrangements for the EEAS;

18. Notes that the Treaty of Lisbon extends the consent procedure to all agreements related to fields to which the ordinary legislative procedure applies and strengthens the right of Parliament to be duly informed by the Commission of the progress of the negotiation of international agreements as referred to in Article 218 of the TFEU; considers therefore that the negotiation of a new Inter-Institutional Agreement with Parliament should be explored so as to provide Parliament with a substantive definition of its involvement in every stage of the negotiations leading to the conclusion of an international agreement;

19. Urges the Council of Ministers of Foreign Affairs to act by qualified majority vote whenever the new Treaty so provides;

20. Is of the view that Articles 42(2) and (7) TEU together with Article 10 of Protocol No 1 on the role of national parliaments in the European Union renders the residual functions of the Western European Union (WEU) obsolete; therefore calls on the EU Member States concerned to act according to Article XII of the WEU Treaty and to give one year's notice of their intention to denounce the Treaty; recalls that the right of parliamentary scrutiny over CFSP and CSDP activities lies with the European Parliament and the national parliaments of the EU Member States;

CFSP matters of a thematic nature

21. Continues to be concerned about the security of energy supply and repeated gas crises such as the Russian-Ukrainian crisis of January 2009, which highlighted the EU's increasing energy dependency on sources of supply and transit channels; also underlines the need to prevent the energy dependency of the EU on third countries weakening the independence of EU foreign policy; recalls the urgent need to address energy challenges by implementing a common European external energy policy; calls in this regard on the Vice-President/High Representative to pursue with determination Parliament's recommendations for the development of a coherent and coordinated policy, in particular by promoting EU cohesion in constructive dialogue with energy suppliers, especially with Russia and transit countries, by supporting EU energy priorities and defending the common interests of the Member States, by developing effective energy diplomacy and more efficient mechanisms for responding to crisis situations and, finally, by promoting the diversification of energy supplies, sustainable energy use and the development of renewable energy sources; stresses that only a common EU approach could prevent any future shortcomings in the oil and gas supplies of the Member States and could increase the energy security of the EU as a whole;

22. Welcomes the signing of the Nabucco project agreement; calls on the Commission and the Council to strive for the successful implementation of that agreement; emphasises the importance of guaranteeing EU energy security by promoting a southern corridor for the supply of crude oil to Europe, including via the Constanța-Trieste pan-European oil pipeline;

23. Believes that significant potential threats and conflicts arise from intensified competition over access to, and control of, natural and energy resources, and consequently that the EU should further develop mitigation, adaptation and energy conservation policies with a view to addressing the security risks posed by environmental degradation and climate change; stresses in this regard that the EU must strengthen its leadership in global climate governance and further develop a dialogue with other key actors such as the emerging powers (China, Brazil, Russia, India), the United States and developing countries, given that climate change has become a key element of international relations;

⁽¹⁾ OJ C 298, 30.11.2002, p. 1.

Wednesday 10 March 2010

24. Expresses its support for the Union continuing to contribute actively and effectively to the resolution of global issues, not least through a strengthening of the United Nations system and according special importance to consolidating the Human Rights Council and abolishing the death penalty;

25. Comments on the importance of conflict prevention and management, including post-crisis rehabilitation and reconstruction; underlines the need for the EU to further develop preventive strategies, to improve early warning and to enhance cooperation with regional organisations in accordance with the UN Charter;

26. Underlines that the external dimension is crucial for the successful achievement of a European Area of Freedom, Security and Justice; reiterates the importance of orderly migration management; with this in mind, welcomes the adoption of the Stockholm Programme by the European Council of December 2009; considers it essential to secure the cooperation of both the countries of origin and transit, and to encourage an attitude of solid cooperation by applying a policy of positive conditionality; points to the need to avert illegal immigration by promoting local development in the countries of origin and fighting criminal organisations that traffic in human beings; insists that the external dimension of the European Area of Freedom, Security and Justice must be fully taken into account in European foreign policy;

27. Underlines the need to strengthen capacities so as to provide for better monitoring of the Union's civilian and military missions and to enable lessons to be learned from the manner in which they are conducted, so as to improve the planning and management of future missions; in this respect, underlines also the need for a more strategic approach to CSDP missions; suggests that the regular Joint Consultation Meetings also aim to assess the successes and shortfalls of completed missions in order to help develop a forward-looking approach to future needs that encompasses all aspects (finances, implementation, administrative organisation);

28. Calls on the Vice-President/High Representative, the Council and the Member States to ensure an adequate balance between civilian and military planning capabilities in the Council Secretariat and to provide an appropriate number of staff in the fields of justice, civilian administration, customs and mediation so as to ensure that adequate and sufficient expertise can be provided for CSDP missions;

29. Calls in this respect for adequate staffing of the civilian component and urges the Member States to use the great opportunity provided by the EEAS to pool currently available resources in order to achieve a coherent, effective and efficient crisis management planning capability;

30. Calls on the Member States to redouble their efforts to find and deploy sufficient numbers of suitable, qualified and gender-balanced personnel to take part in CSDP civilian and military endeavours throughout the world in a coherent and well coordinated framework, including in specific high-risk areas, since the success of CSDP missions largely depends on the skills and knowledge of well-trained staff; calls, in this respect, for common training of the personnel of CSDP missions; fully supports the efforts already made in terms of developing guidelines and exchanging best practices with a view to improving common training for staff; is convinced that increased coherence and cohesion as regards staff on the ground will enhance the running of missions and also facilitate the secondment of EU nationals, which, from a purely budgetary perspective, is preferable to using international contracted staff;

31. Calls on the European Council and Commission to intensify the EU's engagement in multilateral negotiations to reduce the salience of nuclear weapons;

32. Reiterates the need for disarmament and strengthened international guarantees of non-proliferation; welcomes, in this regard, the Joint Statement of 4 December 2009 by which the President of the United States of America and the President of the Russian Federation committed themselves to continue to work together after the expiry of the Strategic Arms Reduction Treaty (START), and looks forward to a new pact on strategic arms to be signed and enter into force as soon as possible; calls, at the same time, on the EU and its Member States to enhance their diplomatic efforts in order to achieve a successful revision of the Treaty on Non-Proliferation of Nuclear Weapons in May 2010;

Wednesday 10 March 2010

33. Stresses the importance of gender equality, human rights and good governance objectives being fully integrated in the planning and conduct of all CSDP missions and operations, including fact-finding missions, as gender awareness and sensitivity contribute to operational effectiveness and situational awareness; in this context, welcomes the appointment of a gender adviser to nearly all CSDP missions; regrets that there are no women among the 11 EUSR; calls on the Vice-President/High Representative to systematically include gender equality and women's empowerment in the EU's political dialogue and policy discussions with partner countries;

34. Commends the important role played by human rights defenders worldwide; warmly welcomes the fact that the Foreign Affairs Council, at its meeting of 8 December 2009, expressed its commitment to supporting human rights defenders, through public meetings with them and by giving visibility to their activities;

35. Calls on the Council to include human rights and good governance aspects in the mandates of EUSRs and to appoint human rights and good governance advisers to positions on the staff of EUSRs;

Main priorities in the geographical areas

36. Recommends that the EU strengthen the political dialogue with third countries and regions, particularly with strategic partners with whom to coordinate positions in the international organisations and support and promote democracy, the rule of law and respect for human rights; reiterates in this regard the important role that parliamentary diplomacy plays as a supplementary tool in the Union's relations with third countries and regions; is therefore of the view that the Vice-President/High Representative and her services including the EUSRs should engage with Parliament in devising common strategies towards partner countries and regions and should be available to assist Parliament orally and in writing with regard to specific issues and visits;

37. Calls on the Council, the Member States and the Vice-President/High Representative actively to seek peaceful solutions in international conflicts and to strengthen the EU's conflict prevention mechanisms;

International organisations

38. Highlights the United Nations as the main guarantor of international peace and security and the most comprehensive framework for multilateral cooperation; takes the view that the strengthening of global governance, international institutions and respect for international law is of paramount importance for effective multilateralism, and that it must therefore be an overriding strategic priority for the Union; considers that the EU institutions and the Member States should continue their efforts in deepening cooperation and coordination with strategic partners exerting global influence, in particular within the United Nations; in this light, stresses the urgency of addressing global issues of common concern for the EU and world stability, such as terrorism, organised crime, energy security, climate change, the achievement of the MDGs and the eradication of poverty, crisis management, conflict prevention and conflict resolution, the non-proliferation of weapons of mass destruction and disarmament, migration management and promotion of human rights and civil liberties;

39. Considers it essential that the relevant EU delegations at the UN's headquarters in New York and Geneva be adequately equipped with means and staff in order to be able credibly and effectively to deliver in practice the new institutional arrangements under the Treaty of Lisbon; notes with concern, therefore, that an approach of budget neutrality runs counter to this urgent need quickly and efficiently to establish the EU's presence at the UN during the initial phase of implementation of the Treaty of Lisbon;

40. Believes that the OSCE provides an important framework for restoring trust and enhancing cooperation between the countries of Europe, Central Asia and North America on a number of issues, including non-proliferation, disarmament, economic cooperation and protection and promotion of human rights and the rule of law; supports, therefore, the strengthening of the OSCE also in terms of opening a discussion on the idea of granting it a legal personality;

Wednesday 10 March 2010

41. Without prejudice to the international obligations of the EU under the UN Charter, takes the view that the EU and NATO should develop a more intense and effective partnership, taking into account the progressive development of the EU's foreign, security and defence policies while respecting the decision-making autonomy of the two organisations; to that end, recommends a review of the so-called Berlin-Plus arrangements and the development of a more strategic dialogue on shared strategic interests and contingency planning; urges the facilitation of broader practical cooperation on the ground at military or civilian level, in particular when both organisations operate in the same theatre of missions; deplores in this respect the continuing clash between Turkey and Cyprus which increasingly undermines the effectiveness and credibility of both the EU and NATO;

Transatlantic relations

42. Reiterates its commitment to the transatlantic partnership as an important element and one of the main pillars of the EU's external action; urges the Vice-President/High Representative to ensure that the EU acts as a coherent, active, equal and yet autonomous partner of the US in strengthening global security and stability, promoting peace and respect for human rights and the achievement of the MDGs, as well as adopting a united approach to global challenges such as nuclear proliferation, terrorism, climate change and energy security; is of the view that the Treaty of Lisbon opens up a propitious opportunity for improving and renewing the framework of EU-US relations; encourages the Vice-President/High Representative to work towards strengthening EU-US institutional mechanisms in line with Parliament's resolutions; underlines that the work of the Transatlantic Economic Council needs to be strengthened in pursuit of the goal of a genuine, integrated transatlantic market, and that such a market should provide the basis for a reinforced transatlantic partnership; strongly supports the Transatlantic Legislators' Dialogue in its broad effort to create effective legislator-to-legislator relationships between Parliament and the US Congress;

43. Calls on both partners, the EU and the US, to encourage China, India, Russia, Brazil and other emerging powers to share responsibility for the global order and for the prevention and peaceful settlement of conflicts in compliance with international law; insists that, while the EU and US should offer full support to the economic and social development of these countries on a basis of fair cooperation, these countries should also accept their global responsibilities especially for the fight against climate change and for sustainable development;

Western Balkans

44. Stresses that the countries of the Western Balkans are part of the enlargement process; considers that stability in the Western Balkans based on the rule of law should remain a top priority in the Union's external action, and therefore attaches the utmost importance to the efforts to bring the countries of that region closer to the EU, with the shared goal of European integration, *inter alia* by promoting reforms and enhancing regional cooperation and inter-ethnic reconciliation in order to meet the Copenhagen criteria and prepare for accession; recommends that an international conference on the future of the Western Balkans should be convened, bringing together the countries in the region and the relevant regional and global actors, in order to identify and address the current challenges facing the region;

45. Notes with satisfaction the increasingly peaceful and stable situation in Kosovo and the efforts to build a multi-ethnic society, as demonstrated by the calm and orderly local elections held on 15 November 2009; is aware that not all Member States have recognised the independence of Kosovo; welcomes the fact that the EULEX rule of law mission in Kosovo, which is the largest civilian CSDP mission launched so far by the EU, is working at full operational capacity on the basis of the United Nations' status-neutral approach; underlines the mission's importance in promoting inter-ethnic reconciliation, the rule of law, public order and security throughout the whole of Kosovo, by assisting the Kosovo institutions, judicial authorities and law enforcement agencies in their progress towards sustainability and accountability; in this respect, welcomes the decision to open a new EU office in the north; however, notes the need to increase the number of prosecutors working in EULEX, and calls on the Member States to provide additional personnel;

46. Encourages the Council to continue its efforts, with the support of the international community, to pursue a dialogue with political leaders in Bosnia and Herzegovina (BiH) in order to help that country and its peoples to remain on the path to European integration; takes note of the joint diplomatic efforts by the EU Presidency, the European Commission and the US administration, and recommends further negotiations taking into account previous arrangements concluded between politicians in BiH; recalls the need to involve parliamentarians and civil society more closely in sustaining a viable country;

Wednesday 10 March 2010

Eastern Partnership, Black Sea cooperation

47. Continues to support the development of the Eastern Partnership with the Union's European neighbours, integrating them economically into the internal market and intensifying political, economic and cultural cooperation; underlines the importance of providing this partnership with credible projects and of tangible medium- and long-term incentives for reform, which would strengthen the commitment of societies in the partner countries to the process of modernisation and integration with the EU; in particular, points out the need – while maintaining security for all EU citizens – to progressively remove all obstacles to the free movement of persons (including, eventually, visa-free travel) and to enhance cooperation in all aspects of security, especially energy security; reiterates its view that the partnership needs to be provided with adequate financial resources; emphasises the need to ensure the Partnership's complementarity with regional initiatives, in particular the Black Sea Synergy;

48. Reaffirms the importance for the EU of more effective regional cooperation in the Eastern Neighbourhood, in which spirit the EU will support the implementation of result-oriented projects under both the Eastern Partnership and the Black Sea Synergy, in full complementarity;

49. Calls on the Vice-President/High Representative to step up efforts to implement projects under the Black Sea Synergy; also urges the Vice-President/High Representative to develop new ideas for an effective Black Sea Cooperation Strategy;

50. Welcomes the pro-European stance of the new government of the Republic of Moldova and expresses its hope of an acceleration of the country's internal reforms, in such a way as to achieve economic integration, political association and institutional approximation between the Republic of Moldova and the EU; encourages the Vice-President/High Representative to identify multilateral solutions for unblocking the situation in Transnistria;

51. Takes note of the conduct and outcome of the presidential elections in Ukraine; calls on all parties to contribute to the necessary political, economic and social stability in Ukraine by strengthening reform efforts; encourages the country to achieve greater interoperability with the European Union, thus consolidating its European perspective;

Russia

52. Calls on the Vice-President/High Representative to ensure that the EU's approach towards Russia, including in the negotiations on a new Partnership and Cooperation Agreement, is coherent and driven by a commitment to the values of democracy, respect for human rights and the rule of law, including international law; underlines at the same time the need for a reinvigorated partnership with Russia, based on mutual respect and reciprocity, on the issues of the fight against terrorism, energy security and supply, climate change, disarmament, conflict prevention and nuclear non-proliferation as well as with regard to Iran, Afghanistan and the Middle East, pursuing the goal of strengthening global security and stability; takes the view that cooperation on such issues should form the basis for the new EU-Russia agreement, and therefore looks forward to speedy progress in the current negotiations on a new comprehensive agreement that is expected to substantially enhance EU-Russia relations; urges the Vice-President/High Representative to coordinate actions, facilitate consultation and improve communication between the Member States with regard to bilateral issues with the Russian Federation of common concern; stresses the need for Member States to coordinate their relations with the Russian Federation on the basis of the Union's general interests and in such a way as to reflect and promote those interests adequately and consistently;

South Caucasus

53. Urges the Council to insist on full implementation of the ceasefire agreement between the Russian Federation and Georgia and calls on the EU to uphold the principle of Georgia's territorial integrity and respect for minorities; welcomes the renewal of the mandate of the EU Monitoring Mission and urges the Council to ensure that EU monitors are granted full access to all areas affected by the conflict including the breakaway regions of Abkhazia and South Ossetia and, to that end, to use the financial instruments of the EU to assist the populations in the whole conflict area; calls on the EU, with reference to the report of the Independent International Fact-Finding Mission on the Conflict in Georgia, to draw the lessons of the past in order to develop effective conflict-prevention mechanisms including the promotion of people-to-people contacts;

Wednesday 10 March 2010

54. Urges the Vice-President/High Representative to intensify the EU's efforts to work towards effective conflict prevention and peaceful settlement under international law of the conflicts in Nagorno-Karabakh and Transnistria and, above all, that between Russia and Georgia and its breakaway regions South Ossetia and Abkhazia by giving fresh impetus to the Geneva talks; stresses the dangerous potential for a spillover of frozen conflicts in the region; in this context, recommends the setting-up of a Conference on Security and Cooperation in the South Caucasus, embracing the countries concerned and the relevant regional and global actors, with a view to developing a Stability Pact for the South Caucasus; welcomes the recent rapprochement between the governments of Turkey and Armenia, and urges ratification of the accords by their respective parliaments;

The Middle East

55. Stresses the need for the Peace Process negotiations to be conducted within a limited time-frame and in a climate of mutual trust; considers that they should aim at the creation of an independent, democratic and viable Palestinian State within the 1967 borders, living side by side with the State of Israel in peace and security within internationally recognised frontiers in compliance with all relevant United Nations resolutions;

56. Calls on the EU, in line with the Council Conclusions of 12 December 2009, to assume a stronger political role in the ongoing international efforts to re-launch the Peace Process, commensurate with its financial engagement in supporting a Palestinian economic recovery and addressing the dramatic humanitarian crisis in Gaza; calls on the Vice-President/High Representative to consider all means to promote a lasting peace in the region;

57. Welcomes the Council's decision to extend the mandate of the EU Police Mission for the Palestinian Territories (EUPOL COPPS) until December 2010; believes that more robust support for the development of the rule of law and policing capacities is required and calls for intensified efforts in this regard; takes note of the Council's decision to extend the mandate of the EU Border Assistance Mission in Rafah (EUBAM Rafah) and its determination and readiness to reactivate the mission; believes that this determination should result in concrete initiatives to restore freedom of movement in the Palestinian Territories and to reactivate the Agreement on Access and Movement, negotiated in 2005, to which the parties subscribed;

The Union for the Mediterranean

58. Considers it important to intensify political dialogue among the members of the Union for the Mediterranean at all levels in order to overcome tensions that have delayed the setting-up of the Barcelona-based Secretariat and the promotion of concrete projects of mutual social, economic and ecological interest; hopes that the Union for the Mediterranean may contribute positively to the resolution of the conflicts in the Middle East, rapprochement between Turkey and Cyprus, and the democratic development of the Arab states;

59. Believes that the Union for the Mediterranean could contribute to the easing of tensions in the Middle East by promoting concrete cooperation projects for the whole region; at the same time, stresses that trust-building measures between Palestinians and Israelis in order to achieve a just and lasting peace in the Middle East are of the utmost importance to facilitate the appropriate functioning of this new institution;

60. Underlines that, from an EU perspective, the co-presidency must be compatible with the external representation of the EU in accordance with the Treaty of Lisbon; recalls that the Treaty of Lisbon provides an opportunity for the EU to ensure consistency, coherence and continuity in its representation in the new institutions of the Union for the Mediterranean;

Asia

61. Notes that post-election Afghanistan is now entering a decisive and critical period, with the formation of a new government in Kabul providing the opportunity to frame a new agenda and a new contract with the Afghan people;

Wednesday 10 March 2010

62. Welcomes the Council's Action Plan for strengthened EU action in Afghanistan and Pakistan, adopted at the October 2009 General Affairs and External Relations Council, and its declaration of its renewed readiness to assist in meeting the challenges of the region, in cooperation with the countries concerned and the international partners, but stresses that the Plan will remain just that unless there is a clear commitment from the EU Member States to contribute to its implementation; calls on the Council, the Commission and the Presidency to make a concerted effort to implement the Plan without delay; urges the Council to make more progress towards full deployment of staff in EUPOL in order to establish sustainable and effective civilian policing arrangements capable of enhancing the security environment;

63. Recognises that Pakistan continues to face very serious challenges and endorses the EU's firm support for a strong, secular and civilian government of Pakistan; stresses Pakistan's key role in the region and reiterates that a stable, democratic and prosperous Pakistan is also central to addressing global issues such as counter-terrorism, nuclear non-proliferation, counter-narcotics and human rights, and strongly encourages it to adopt a comprehensive strategy to fight terrorism and address its root causes;

64. Endorses the EU's commitment to supporting democracy in a unified, federal Iraq; stresses its support for the EU's strong and continuing commitment to the development of the rule of law in Iraq, and welcomes the extension of the mandate of EUJUST LEX for one year and its pilot activities on Iraqi territory; looks forward to the further work planned in this context, as promised by the Council; calls for increased institutional interaction, particularly on economic issues, with the authorities of the Kurdish Regional Government; calls on the Commission to accelerate the activation of its own premises in Baghdad;

65. Expresses its grave concern over the political developments in Iran and the reported massive electoral fraud during the presidential elections of June 2009, which has ignited the biggest protest movement in the 30-year history of the Islamic Republic, with demonstrations and violent repression by the security forces still ongoing; is very concerned not only about the arrests, torture and murder of political opponents but also about the continuous stalemate in the negotiations over Iran's nuclear programme, and calls on the Iranian Government to enter into serious negotiations on the nuclear issue; regrets that the visit by the Iran delegation of the European Parliament in January 2010 has been cancelled by the Iranian authorities and expresses its solidarity with those Iranians who, risking their lives, continue to publicly demand respect for human rights and greater democratic freedoms in Iran; condemns Iran's efforts to block freedom of information by jamming foreign broadcasts and the Internet; calls on the Council and Commission to consider sanctions against individual members of the administration and the security services responsible for the widespread human rights violations and to devise measures in support of those participants in the 'Green movement' who suffer persecution and/or exile in their plight;

66. Takes note of the fact that EU-China economic relations have experienced steady growth and that people-to-people contacts have grown in scope and scale; at the same time, remains gravely concerned about the lack of willingness on the part of the Chinese authorities to tackle numerous human rights violations and to ensure that the people enjoy basic rights and freedoms;

67. Expresses the expectation that a strategic relationship between the EU and China will be developed, and states its desire to explore ways of strengthening the relationship on issues of mutual interest going beyond the economic and trade sectors;

68. Welcomes the efforts undertaken by both Taipei and Beijing to improve cross-strait relations, which help to reinforce stability and security in East Asia, and encourages both sides to further enhance dialogue, practical cooperation and confidence-building; commends the Council's declaration of 8 May 2009, which reiterates its support for Taiwan's participation in the WHO; strongly supports Taiwan's participation as an observer in relevant international organisations and activities, such as ICAO and UNFCCC, where Taiwan's participation is important to the EU and global interests;

69. Reaffirms its strong support for strengthening the strategic relationship between the EU and India, and for exploring further ways to upgrade the relationship in areas of mutual interest in the economic, political, security and trade sectors;

Wednesday 10 March 2010

70. Recognises ASEAN's growing role as a force for regional stability and prosperity; believes that the Union and ASEAN, which both have a commitment to regional integration, have great potential for cooperation; notes that measures to step up economic and trade relations between the Union and ASEAN are needed in order to help to consolidate overall relations between the two regions and encourage further progress regarding political cooperation and security, the advancement of democracy and human rights and further progress in the field of energy and the environment, in the socio-cultural field and in the area of cooperation and development;

Africa

71. Notes with satisfaction that EUNAVFOR Atalanta continues to make a successful contribution to maritime security off the coast of Somalia by protecting vessels chartered by the World Food Programme delivering aid to Somalia, vessels supplying critical shipments to the African Union peace support operation in Somalia and other vulnerable vessels; welcomes the Council's decision to extend the mandate of the operation to 12 December 2010; expresses its support for launching a crisis management operation to contribute to the training of the National Security Forces of the Somali Transitional Federal Government; stresses the need to integrate trained security forces into state and command structures so that, once they return, they will not turn against the government they are supposed to be protecting;

Latin America

72. Recalls once again the proposal made in its resolution of 15 November 2001 on a global partnership and a common strategy for relations between the EU and Latin America ⁽¹⁾ – subsequently repeated in its resolutions of 27 April 2006 ⁽²⁾ and 24 April 2008 ⁽³⁾ respectively adopted with a view to the Vienna and Lima EU-LAC Summits – to draw up a Euro-Latin American Charter for Peace and Security which, on the basis of the UN Charter, would allow for joint political, strategic and security-related actions and initiatives; calls on the Council and the Commission to take active steps to realise this ambitious goal and to support this proposal at the next EU-LAC Summit, which will take place in May 2010 in Madrid;

73. Considers that negotiations on the Association Agreement with the Central American countries as well as progress towards renewed negotiations on the Association Agreement with MERCOSUR are matters of priority; notes that the negotiations on the Multilateral Agreement with the Andean Community countries have been concluded; will endeavour to carry out with due accuracy the parliamentary ratification procedure on these agreements in order to ensure that they have a positive impact on all aspects of mutual concern;

*

* *

74. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Secretary-General of the United Nations, the Secretary General of NATO, the President of the NATO Parliamentary Assembly, the Chairman-in-office of the OSCE, the President of the OSCE Parliamentary Assembly, the President of the WEU Parliamentary Assembly, the Chairman of the Committee of Ministers of the Council of Europe and the President of the Parliamentary Assembly of the Council of Europe.

⁽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(2008)0177.

Wednesday 10 March 2010

Implementation of the European Security Strategy and the Common Security and Defence Policy

P7_TA(2010)0061

European Parliament resolution of 10 March 2010 on the implementation of the European Security Strategy and the Common Security and Defence Policy (2009/2198(INI))

(2010/C 349 E/13)

The European Parliament,

- having regard to Title V of the Treaty on European Union, Article 346 of the Treaty on the Functioning of the European Union, and Protocols 10 and 11,
- having regard to the European Security Strategy (ESS) entitled 'A Secure Europe in a Better World', adopted by the European Council on 12 December 2003,
- having regard to the report on the implementation of the ESS entitled 'Providing Security in a Changing World', adopted by the European Council on 12 December 2008,
- having regard to the reports by the Presidency of the Council of the European Union on the European Security and Defence Policy (ESDP) of 9 December 2008 and 16 June 2009,
- having regard to the ESDP conclusions and the declaration entitled 'ESDP Ten Years – Challenges and Opportunities', adopted by the Council on 17 November 2009,
- having regard to its previous resolutions on the subject, including that of 14 April 2005 on the European Security Strategy ⁽¹⁾, that of 16 November 2006 on the implementation of the European Security Strategy in the context of the ESDP ⁽²⁾, that of 5 June 2008 on the implementation of the European Security Strategy and ESDP ⁽³⁾ and that of 19 February 2009 on the European Security Strategy and ESDP ⁽⁴⁾,
- having regard to its resolution of 19 February 2009 on the role of NATO in the security architecture of the EU ⁽⁵⁾,
- having regard to its resolution of 26 November 2009 on a political solution to the problem of piracy off the Somali coast ⁽⁶⁾,
- having regard to the exchange of letters among the European Union and the Governments of Kenya and the Republic of the Seychelles, concerning the transfer to these countries of suspected pirates and armed robbers apprehended by EUNAVFOR in the operation area,
- having regard to its resolution of 22 October 2009 on institutional aspects of setting up the European External Action Service ⁽⁷⁾,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs (A7-0026/2010),

⁽¹⁾ OJ C 33 E, 9.2.2006, p. 580.

⁽²⁾ OJ C 314 E, 21.12.2006, p. 334.

⁽³⁾ OJ C 285 E, 26.11.2009, p. 23.

⁽⁴⁾ Texts adopted, P6_TA(2009)0075.

⁽⁵⁾ Texts adopted, P6_TA(2009)0076.

⁽⁶⁾ Texts adopted, P7_TA(2009)0099.

⁽⁷⁾ Texts adopted, P7_TA(2009)0057.

Wednesday 10 March 2010

European Security Strategy: a comprehensive approach

1. Recalls that the European Security Strategy (ESS) and the report on its implementation highlight the key threats and challenges facing the European Union:

- proliferation of weapons of mass destruction,
- terrorism and organised crime,
- regional conflicts,
- state failure,
- maritime piracy,
- small arms and light weapons, cluster munitions and landmines,
- energy security,
- impact of climate change and natural disasters,
- cyber-security,
- poverty;

2. Emphasises that, through the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP), the Union is taking steps to address the challenges and threats identified in the ESS, thereby helping to improve the security of European citizens;

3. Stresses that the Union must enhance its strategic autonomy through a strong and effective foreign, security and defence policy, so as to preserve peace, prevent conflicts, strengthen international security, protect the security of its own citizens and the citizens concerned by CSDP missions, defend its interests in the world and uphold its founding values, while contributing to effective multilateralism in support of international law and advancing respect for human rights and democratic values worldwide, in accordance with the objectives stated in Article 21(2)(e) of the TEU, with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders;

4. Stresses that primary responsibility for maintaining peace and security in the world lies with the UN Security Council and reiterates the need for a reform of the United Nations Organisation in order to make it more capable of exercising its functions and providing effective solutions to global challenges and threats;

5. Acknowledges the need for the Union to pursue these objectives by enhancing its own institutional capacity to respond to these challenges and by means of multilateral cooperation with and within international organisations – in particular the United Nations – and regional organisations – in particular the OSCE and the African Union – in accordance with the Charter of the United Nations;

6. Reiterates its support for the Union's efforts to address these threats and challenges by developing a comprehensive and proactive approach synergising the various means of action – both civil and military – available to the Union and its Member States: conflict prevention and crisis management, financial assistance and development cooperation, social and environmental policies, diplomatic and trade policy instruments and enlargement; emphasises that such coordination of civil and military means gives genuine added-value to the Union's crisis management policy;

Wednesday 10 March 2010

7. Calls on the Member States, in this context, to coordinate more effectively their national strategies and means of action with those of the Union with a view to ensuring coherence, effectiveness and a greater impact and a higher profile on the ground;
8. Supports, in connection with action to combat terrorism, the pursuit of the approach based on the EU's counter-terrorism strategy and the EU strategy for combating radicalisation and recruitment, in particular in relation to the use of the Internet for the purposes of terrorism and radicalisation; proposes to stimulate debate on the protection and promotion of human rights, with a special focus on the victims;
9. Recognises that energy security is crucial to the functioning of EU Member States and therefore encourages Member States to cooperate closely on this element of security policy;
10. Welcomes the efforts of Member States to counter cyber threats; urges the Council and the Commission to come forward with an analysis of the challenges of a cyber nature and measures for an efficient and coordinated response to such threats based on the best practices, resulting, in the future, in a European cyber security strategy;
11. Reiterates its recommendation for a regular review of the ESS, every five years, coinciding with the beginning of a new parliamentary term and after due consultation with the European Parliament;
12. Emphasises that a White Paper – providing scope for a wide-ranging public debate – would raise the profile of the CSDP and step up security and defence cooperation by defining the Union's security and defence objectives and interests more clearly in relation to the means and resources available, thereby making the implementation of the ESS and the planning and conduct of EU crisis management operations more effective and better defined;

Lisbon Treaty and Common Security and Defence Policy Structures

13. Calls on the Council to enter into a substantial debate with the European Parliament and the national parliaments in 2010 on the implementation of the new provisions in the Lisbon Treaty concerning the CSDP, including:
 - a. the clause on mutual assistance in the event of armed aggression on the territory of a Member State,
 - b. the solidarity clause in the event of a terrorist attack or a natural or man-made disaster,
 - c. the role of the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, coupled with the establishment of a European External Action Service (EEAS) incorporating, in a comprehensive manner, conflict prevention, civil/military crisis management and peace-building units,
 - d. a broader remit for the CSDP,
 - e. permanent structured cooperation for those Member States that meet higher standards in terms of military capability and have made more binding commitments in this area in preparation for the most demanding missions, as well as enhanced cooperation,
 - f. the establishment of a start-up fund for preparatory activities in the lead-up to operations;
14. Calls, after the introduction of a clause on mutual assistance, as formulated in Article 42 (7) of the Treaty on European Union, on those European Union Member States belonging to the Western European Union (WEU) to terminate the Modified Brussels Treaty of 1954, including the WEU Parliamentary Assembly;

Wednesday 10 March 2010

15. Calls, after the introduction of a solidarity clause into the new treaty, on the Council to reopen the debate on establishing a European civil protection force – *inter alia* on the basis of the May 2006 Barnier report – that would pool the Member States' resources in order to generate an effective collective response in the event of natural or man-made disasters; takes the view that the military CSDP should also provide scope for responding to civilian hazards;

16. Stresses, in the light of the progress made possible by the Treaty of Lisbon in relation to the CSDP, the legitimacy and value of setting up a Defence Council within the Foreign Affairs Council, which would comprise the defence ministers, be chaired by the Vice-President/High Representative and play a special role in stepping up cooperation and in harmonising and integrating military capabilities;

17. Takes the view that the Vice-President/High Representative should act very rapidly to make the Union's various external policies more coherent, and that this coherence should be reflected on the ground by special representatives/heads of delegation under her authority vested with the necessary authority *vis-à-vis* the parties concerned and the international community;

18. Supports the establishment of a civil-military Crisis Management and Planning Directorate (CMPD) to take responsibility for crisis management and strategic planning of the Union's civil and military operations and help develop the CSDP, particularly in terms of civil and military capabilities; deprecates, however, the extremely lengthy delay in setting up this new structure; calls for close coordination within the EEAS between, on the one hand, the CMPD and the other CSDP structures and, on the other hand, the crisis platform and other relevant services of the Commission, which should be included in the EEAS, in order to build up a coordinated strategic planning capacity so as to develop a comprehensive European approach;

19. Calls on the High Representative/Vice-President of the Commission, the Council and the Member States to overcome the imbalance between civilian and military planning capabilities and ensure that adequate and sufficient expertise in fields such as justice, civilian administration, customs and mediation can be provided for ECDP missions;

20. Calls once again for the establishment of a permanent EU operations centre overseen by the Vice-President/High Representative, which would be responsible for operational planning and the conduct of military operations; calls for this operations centre to be attached to the EEAS; stresses that the division of the existing system into seven headquarters makes it less effective and responsive and generates huge costs, and that a permanent interlocutor in the military sphere is essential for civil and military coordination on the ground; takes the view that the permanent operations centre could therefore be classed as a form of military planning and conduct capability, and located in the same place as the CPCC in order to allow the necessary synergies for effective civilian and military coordination; reiterates that the EU operations centre would facilitate cooperation with NATO, without compromising the decisional autonomy of both organisations;

21. Stresses the urgent need to put in place permanent structured cooperation based on the most inclusive criteria possible, which should enable the Member States to increase their commitments under the CSDP;

22. Stresses that the progress and development of the CSDP must fully respect and not undermine the neutrality and non-alignment of some of the EU Member States;

23. Stresses the importance of these reforms in order to achieve the level of ambition set for the CSDP, which was renewed in December 2008 and approved by the European Council, to boost the effectiveness and added-value of the CSDP in a context in which it is increasingly being enlisted;

Wednesday 10 March 2010

Military operations and civil missions

24. Welcomes the achievements of the ESDP/CSDP on the occasion of its tenth anniversary, and notes that the Union launches civil and military operations under the CSDP in response to threats to international and European security; notes that the majority of these missions have been in the field of civilian crisis management; commends the 70 000 or so personnel involved in the 23 missions and operations currently in progress or already completed in the context of the ESDP; commends Mr Javier Solana, hitherto Secretary-General of the Council and High Representative for the Common Foreign and Security Policy, for his work on developing the ESDP; calls once again on the Member States to define the criteria for the deployment of ESDP missions and to consider the subject of national 'caveats';

Somalia – Horn of Africa

25. Welcomes the successful contribution made by the European Union's naval operation EU NAVFOR Somalia – Operation Atalanta in combating piracy in the Gulf of Aden and off the coast of Somalia, notably in an effort to ensure that humanitarian aid reaches all the people in need in this country; emphasises that Operation Atalanta has established itself as a key player in the fight against piracy, inter alia through the Maritime Security Centre (Horn of Africa); welcomes the Council decision to extend the mission for another year until December 2010 and takes note of the broadening of the mandate of this operation designed to address a security issue directly affecting the EU (security of citizens and supplies, protection of vulnerable vessels) and respond to a humanitarian and operational emergency (by escorting ships chartered by the World Food Programme to deliver food to the Somali population and ships delivering logistical support to the African Union's military observation mission in Somalia (AMISOM)); praises, at the same time, its contribution to the reinforcement of naval cooperation in Europe and the further development of the maritime dimension of the CSDP; also welcomes the involvement of non-EU countries (Norway, Croatia and Montenegro) and the operation's constructive cooperation with the other naval forces present in the region, particularly in the context of the SHADE (Shared Awareness and Deconfliction) processes; regrets, however, the continuing problems with the prosecution of suspected pirates and armed robbers apprehended in the operation area, which undermine the credibility of the international anti-piracy efforts;

26. Stresses the need to address the causes of piracy, which stem from the prevailing instability and poverty in Somalia, and consequently takes the view that the Union should support the Transitional Federal Government (TFG) by means of measures aimed at restoring security, political stability and the rule of law and promoting sustainable development, in partnership with the African Union and the United Nations, and develop a joint strategy with the aim of starting a regional peace process;

27. Calls for the EU's approach to Somalia to take into consideration that only a large-scale, long-term state-building exercise - going above and beyond the building up of the TFG's security forces - will contribute to peace and security in that country in a sustainable way; therefore calls on the Council and the Commission to propose an ambitious joint, comprehensive 'EU strategy for Somalia';

28. Particularly emphasises the need for urgent action to shore up the TFG and help it extend the scope of its control on Somali territory; to this end, welcomes that the Council agreed on 25 January 2010 to set up a CSDP military mission (EU Training Mission, EUTM Somalia) to contribute to the training of the Somali security forces in Uganda, in close coordination with EU partners, including the TFG, Uganda, the African Union, the United Nations and the United States; calls on the High Representative to inform and consult the European Parliament accordingly;

29. Also emphasises the need to improve maritime surveillance capability in the region, inter alia by providing training and setting up a network of coastguards from countries in the region, and takes the view that the Union should contribute to these efforts by endorsing the Djibouti Code of Conduct and the associated implementation plan developed by the International Maritime Organization, as approved by the countries in the region (including the establishment of an information exchange centre in Yemen and a training centre in Djibouti for ships' crews);

30. Regarding the situation in Yemen, recalls its resolution of 10 February 2010 and calls on the Commission and the Council, jointly with international partners, including Yemen's neighbours, to assist the government through a comprehensive approach encompassing security sector reform, counter-terrorism, as well as political dialogue, humanitarian and economic assistance and education;

Wednesday 10 March 2010

Afghanistan and Pakistan

31. Recalls the need to stabilise the security and political situation in Afghanistan and Pakistan in order to contain the global threats directly affecting Europeans' security (terrorism, drug trafficking and the proliferation of weapons of mass destruction) and, accordingly, welcomes the EU Action Plan for Afghanistan and Pakistan adopted by the Council on 27 October 2009; reiterates the need for a comprehensive approach in dealing with these issues, linking security more closely with development, the rule of law and respect for human rights, as well as gender-related aspects; calls, therefore, on the Council and the Commission to take more tangible steps in this direction, also by increasing the EU's contribution and ensuring that its activities are better integrated with those of the Member States and the international community;

32. Takes the view that strengthening the institutional and administrative capacity of the Afghan State, particularly the justice system and law enforcement agencies other than the police, should be a priority in implementing a new European strategy;

33. Urges the Council and the Commission to significantly increase resources for civilian engagement in Afghanistan in order to make the EU's civilian priority credible and more visible in the eyes of the Afghans and international partners alike; highlights the need to set up an effective and reliable civil police force to establish the rule of law in Afghanistan, and commends the work of the EUPOL Afghanistan mission; calls on the Council to remedy the ongoing problem of personnel shortages within the EUPOL mission as a matter of urgency, and to facilitate its deployment to the provinces by providing additional accommodations and adequate logistical support to the mission; calls on NATO to cooperate more closely with the mission and to coordinate its police work with EUPOL under the auspices of the International Police Coordination Board (IPCB);

34. Supports the Council's proposal to explore the possibility of an assistance mission to Pakistan aimed at reforming the security sector and building anti-terrorism capacity, so as to help the country develop a counter-terrorism strategy, as well as entering into dialogue on the rule of law and human rights;

Balkans

35. Commends the successful deployment of the EULEX Kosovo mission throughout Kosovo, and emphasises the need for all its components (police, justice and customs) to be able to continue to operate unhindered throughout the territory, including in the north;

36. In this connection, welcomes the signing of the police cooperation agreement between EULEX Kosovo and Serbia, and notes the purely technical nature of this agreement designed to facilitate the fight against organised crime;

37. Condemns all hostile acts against EULEX Kosovo, whose mission is to work with the Kosovo authorities to establish and strengthen the rule of law for the benefit of all the communities in Kosovo;

38. Calls on the Council to consider the possibility of deploying a military operation under the CSDP to relieve KFOR;

39. As regards Bosnia and Herzegovina, notes that, despite the ongoing political problems, the security situation remains relatively calm and stable despite the ongoing political problems, and emphasises the contribution made by the EU's military operation (EUFOR ALTHEA) in this respect; supports the Council's decision to refocus the work of the European Union Police Mission (EUPM) on fighting organised crime and corruption and underlines the need for a comprehensive approach to the rule of law sector (police – justice – prisons); encourages the Council to take a decision in the near future with a view to making training for the Bosnian armed forces the new focus of EUFOR ALTHEA; deplores the lack of concerted political decision-making on the future of the international force in Bosnia and Herzegovina, which is resulting in unilateral withdrawals by a number of states participating in the force and is liable to detract from the credibility and coherence of the EU's action in Bosnia and Herzegovina; reminds the Council to uphold the prospect of accession to the EU as agreed upon in Thessaloniki in 2003;

Wednesday 10 March 2010

Caucasus

40. Recalls the Union's decisive role in averting an escalation of the conflict between Georgia and Russia, inter alia thanks to the rapid deployment of an observation mission to supervise the implementation of the agreements of 12 August and 8 September 2008; regrets that the Russian Federation has until now not fulfilled its commitments with regard to these Agreements; emphasises that the role of the EU observation mission in Georgia has become particularly crucial following the departure of the OSCE and United Nations missions;

41. Is in favour of extending the mission for a further year and calls for a strengthening of its observation capacity, including its technical outfit; views it as regrettable that mission personnel have been prevented by Russian and local forces from visiting the separatist regions of South Ossetia and Abkhazia;

Middle East

42. Takes the view that the Union must up-grade its activities in the Palestinian Territories; commends the work of the EUPOL COPPS police mission and calls on the Council to consider expanding the mission and to propose a new arrangement with a view to maintaining and making more effective the border assistance mission at the Rafah Crossing Point (EUBAM Rafah) and alleviating the dramatic humanitarian crisis in the Gaza Strip;

43. As regards the EUJUST LEX mission for Iraq, supports the gradual commencement of activities on Iraqi territory, depending on the security situation on the ground;

Sub-Saharan Africa

44. Acknowledges the need for EU involvement in reforming the security sector in a number of African countries, including the Democratic Republic of Congo and Guinea-Bissau, and calls on the Council to base its actions on a comprehensive approach to Security Sector Reform (SSR) and to assess the effectiveness and impact of these missions on a regular basis;

Haiti

45. Stresses, as regards the situation in Haiti, the importance of coordination of the European support measures; welcomes, in this context, the collective EU contribution, numbering at least 300 police personnel, to provide a temporary reinforcement of the police capability of the UN Stabilisation Mission in Haiti (MINUSTAH) as well as the Council decision to set up a cell in Brussels (EUCO Haiti) to coordinate contributions by Member States of military and security assets to meet needs identified by the UN, thereby complementing the Monitoring and Information Centre (MIC); regrets, however, the lack of coordination on the field in Haiti among Member States and the European Union; calls the High Representative/Vice President to lead European efforts in this area;

Lessons learnt

46. Emphasises the importance of lessons learnt processes on EU operations, and calls on the Council to give thought to a mechanism enabling it to be involved in those processes; wishes in this regard, to be informed of the first annual report on efforts to identify and act upon lessons learnt concerning civilian missions; urges the High Representative/Vice-President to initiate a thorough and transparent audit of past and present ESDP/CSDP missions in order to identify their strengths and weaknesses;

47. Welcomes the successful handover from the EU operation in Chad and the Central African Republic (EUFOR Tchad/RCA) to the United Nations Mission in the Central African Republic and Chad (MINURCAT), and now wishes to be kept informed about the current lessons learnt process, particularly as to how existing deficits and problems relating to practical cooperation with the United Nations and the African Union can be avoided in future missions;

Wednesday 10 March 2010

Exercise policy

48. Emphasises that the planning and conduct of EU exercises in the field of CSDP as part of a more ambitious EU exercise policy, including the possibility for the EU to conduct real-life exercises (LIVEX), would greatly contribute to a more effective coordination of the Member States' capabilities fostering greater interoperability and exchange of experience;

Gender and human rights mainstreaming

49. Recalls the importance of systematically addressing human rights and gender aspects in all phases of CSDP operations, during both the planning and the implementation phases; calls for UN Security Council Resolution 1325 (2000) and 1889 (2009) on women, peace and security to be taken into account both in the training of staff and during operations and for a larger proportion of the personnel sent on operations to be women; recommends enhancing staff's human rights training and knowledge of civil society;

Non-proliferation and disarmament

50. Welcomes UNSC Resolution 1887 (2009) and fully supports its calls for a halt to the spread of nuclear weapons and intensified efforts to achieve disarmament under strict and effective international control; calls on the Member States to formulate a strong common position for the 2010 Nuclear Non-Proliferation Treaty (NPT) Review Conference and reiterates its recommendation to the Council of 24 April 2009 on non-proliferation and the future of the Treaty on the Non-Proliferation of Nuclear Weapons ⁽¹⁾, stressing the need to reinforce further all three pillars of the NPT, namely non-proliferation, disarmament and cooperation on the civilian use of nuclear energy; urges, furthermore, the ratification and entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT);

51. Highlights the importance of developing an international system of safe and guaranteed supply of nuclear fuel (i.e. an international fuel bank system under the control of the IAEA) and mechanisms to better enforce the so-called WMD clause which is part of cooperation agreements of the EU with third countries;

52. Welcomes the declarations and stated objectives of the new American administration and its commitment to take nuclear disarmament forward and calls for close EU-US cooperation in promoting nuclear non-proliferation; calls on the two European nuclear powers to express their explicit support for this commitment and to come forward with new measures to achieve it; welcomes, at the same time, the commitment of the Russian Federation and the United States to continue negotiations to conclude a new comprehensive legally binding agreement to replace the Treaty on the Reduction and Limitation of Strategic Offensive Arms (START I), which expired in December 2009; looks forward to tangible results in this regard, at the earliest possible date;

53. Takes note of the German coalition agreement of 24 October 2009 on the withdrawal of US nuclear weapons from Germany in the context of its support for President Obama's policy for a world free of nuclear weapons, the desirability of intermediate steps in reaching this goal and the necessity of introducing new dynamics in arms control and disarmament at the 2010 NPT Review Conference; encourages other Member States with US nuclear weapons on their soil to make a similar clear commitment; welcomes, in this respect, the letter sent on 26 February 2010 by the Foreign Ministers of Germany, Netherlands, Belgium, Luxembourg, and Norway to the Secretary General of NATO calling for a comprehensive discussion in the Alliance on how it can get closer to the overall political objective of a world without nuclear weapons;

54. Reiterates its misgivings about the situation in Iran and North Korea, pointing out that the Union has undertaken to use every means at its disposal to prevent, deter, halt and, where possible, eliminate proliferation programmes, which are a source of global concern; recalls, however, that the disarmament process started by some states has no direct bearing on whether other states choose to halt or continue their proliferation programmes, meaning that a firm approach is needed in respect of states or organisations prepared to embark on, or having already embarked on, programmes for the proliferation of weapons of mass destruction; underlines the importance of all Member States acting accordingly, in line with the Union approach to this matter;

⁽¹⁾ Texts adopted, P6_TA(2009)0333.

Wednesday 10 March 2010

55. Points out, in connection with conventional disarmament, that special attention should be paid to taking forward the discussions on an international treaty regulating the arms trade;

56. Reiterates its full support for wider disarmament and a total ban on weapons, such as chemical and biological weapons, antipersonnel mines, cluster and depleted uranium munitions, that cause great suffering to civilians; urges, therefore, enhanced multilateral efforts to secure full implementation of the Chemical Weapons Convention (CWC), the Biological and Toxin Weapons Convention (BTWC), the Convention on Cluster Munitions (CCM), the Anti-Personnel Mines Convention (APMC) and the further development of the international regime against proliferation of weapons of mass destruction; welcomes, in this regard, the commitments undertaken by all EU Member States with the adoption of the EU Common Position on Arms Exports, as well as the provision of Article 28B(1) of the Lisbon Treaty, which entrusts joint disarmament operations to the EU;

Capability development

57. Recalls that, with a view to meeting growing operational requirements and ensuring more professional crisis management, the Union needs to increase its civil and military capabilities; calls on the Council to set a new headline goal, which could encompass both civil and military dimensions and should focus first and foremost on effective capacity building;

58. Stresses the need to seek synergies between civil and military capabilities and to identify areas in which the Member States can pool their efforts and capabilities at the EU level in a difficult economic climate, which is crucial to overcoming the combined effects of the increasing costs of defence equipment and the existing limits on defence spending, using also the opportunity provided by the setting-up of the EEAS which should have a single unit overseeing civil and military capability development;

59. Reiterates its support for the ambitious goals set at the December 2008 European Council in terms of increased civil and military capabilities; calls on the Council to make progress in implementing proposed projects in this area, notwithstanding the current recession; calls on the Council to keep it regularly informed of the efforts made by the Member States to achieve these goals;

60. Emphasises the numerous obstacles that have been identified to the rapid deployment of civil missions; calls on the Member States to encourage their Justice and Interior Ministries to take due responsibility in this area; supports the Council's efforts to facilitate the secondment and deployment of qualified, appropriately trained and gender-balanced civilian personnel (through the adoption of national strategies and common standards, improvements to the force generation process and pre-deployment training, a revised concept of civilian response teams (CRTs)) and the rapid provision of equipment for new civil missions (by means of framework contracts and a permanent warehouse project); welcomes, in this connection, the decision to set up a temporary equipment warehouse as part of the EU Police Mission in Bosnia and Herzegovina;

61. Stresses the need to make integrated, secure communication tools compatible with military communication systems available to civil missions;

62. Calls on the Council to give the EEAS a permanent structure centralising common support functions for civil missions and military operations (including recruitment procedures and procurement processes) so that they can concentrate on their primary task;

63. Stresses the need for close coordination between CSDP civil missions and other EU instruments in order to ensure rational use of resources; calls on the High Representative/Vice President to coordinate with the Commission to plan its activities in similar fields in conjunction with the EEAS; calls for an ongoing exchange of information between CSDP civil missions and the bodies responsible for intra-European police and judicial cooperation, including Europol, particularly in relation to the fight against organised crime;

Wednesday 10 March 2010

64. Notes that the Battle Groups – despite the significant investment they represent – have not yet been used, partly for political reasons and partly because their deployment is subject to very stringent criteria; supports more effective and flexible use of the Battle Groups so that they can also serve as a reserve force or as a partial substitute in the event of a disappointing force generation process, subject to proper account being taken of the wishes of the countries that jointly formed the groups concerned; calls for an extension of the provisional agreement designed to cover the costs arising from strategic deployment of the Battle Groups, as well as an expansion of the common costs associated with their use; calls on the Council to deploy them as part of full-scale military exercises; commends the work undertaken at the instigation of the Swedish Presidency on flexible use of the Battle Groups and, on this basis, calls on the Member States to implement the recommendations adopted;

65. Commends the progress made in terms of military and civil capabilities, and calls for rapid advances in respect of:

- projects designed to allow speedier deployment of ESDP missions and EU forces namely:
 - the establishment of a European air transport fleet, the governance plan adopted by 14 Member States at the General Affairs and External Relations Council of 17 November 2009 in a defence ministers composition, the establishment of a European air transport command in Eindhoven and the creation of a multinational A400M unit, while viewing the major delays in delivery as regrettable and calling on the Member States concerned and the EADS to make a success of the A400M project so that the multinational unit can be set up rapidly; stresses the importance of the use of military transport capabilities in support of civil protection and crisis management operations;
 - helicopter modernisation, crew training and the planned heavy transport helicopter;
- projects designed to provide better intelligence to military teams deployed by the European Union:
 - the new generation of observation satellites (MUSIS programme),
 - agreements between some Member States and the EU Satellite Centre (EUSC) with a view to facilitating access to government images (Helios II, Cosmo-Skymed and SAR-Lupe) for the EUSC,
 - the work done by the European Defence Agency (EDA) on expressing military requirements in the area of space surveillance,
 - the Global Monitoring for Environment and Security (GMES) project, while viewing it as regrettable that this project does not do enough to address the specific needs of the security and defence sector, particularly in terms of image resolution; suggests that the EUSC could serve as an interface in this area;
- projects designed to strengthen the EU's maritime dimension, putting the CSDP's military resources at its disposal:
 - the establishment of a maritime surveillance system based on the SUBCAS model used in the Baltic, in order to make maritime transport more secure, curb illegal immigration and trafficking in human beings and combat marine pollution;
 - the roadmap for integrated maritime surveillance scheduled for 2010; takes the view that the lack of cooperation among the various European players must on no account impede the implementation of these projects;

Wednesday 10 March 2010

66. Welcomes the decisive role played by the EDA in developing these crucial defence capabilities, inter alia through the introduction of common programmes; calls on the Member States to make greater use of the EDA's potential in accordance with the new treaty, to give it a budget commensurate with the expectations placed upon it and to facilitate its planning by adopting a triennial financial framework and work programme; calls on the Member States to finalise the administrative arrangement between the EDA and the Organisation for Joint Armament Cooperation (OCCAR) and the security agreement between the EU and OCCAR as soon as possible, with a view to ensuring effective cooperation between the two bodies in the armaments field;

67. Supports the establishment of a competitive European industrial and technological defence base and an open, transparent European market for defence equipment; calls, accordingly, on the Member States to continue their research and development efforts by honouring their commitment to devote 2 % of defence spending to this area, and to transpose the defence package directives in a harmonised manner;

68. Calls on European national defence procurement agencies to take concrete steps, with the support of the EDA, towards making more European purchases, namely by signing up to a voluntary Code of Conduct that would introduce the principle of 'European preference' in some areas of defence equipment where it is important to maintain strategic autonomy and operational sovereignty from a European perspective, and to sustain European industrial and technological pre-eminence;

69. Strongly supports the establishment of synergies between civil and military capabilities; hopes that the CMPD and the EDA will rapidly define their complementary roles; under the authority of the High Representative/Vice President, the CMPD within the EEAS should play a strategic role in instigating and coordinating activities, particularly when it comes to identifying common needs, while the EDA should play an operational role in developing dual technologies and civil and military capabilities; takes the view that, inter alia, the security strand of the Framework Programme for Research and Technological Development could serve as a basis for developing such synergies;

70. Welcomes the progress made under the Swedish Presidency with a view to setting up a pool of civilian and military experts able to be deployed in the context of reforming the security sector, while deploring the delay in implementing this measure proposed in autumn 2008, and hopes that such a pool will now be formed as a matter of urgency;

71. With a view to making it easier for European personnel to work together, supports training projects including:

- the development of an exchange programme for young European officers, modelled on the Erasmus programme;
- efforts to increase training capacity at EU level; particularly stresses the need to set up the new-look European Security and Defence College, as decided by the Council in December 2008, as soon as possible;
- efforts to increase the institutional training capacity at EU level; particularly stresses the need to set up the new-look European External Action Academy which, in close cooperation with appropriate bodies in the Member States and incorporating existing training structures such as the Defence College, would provide Union officials and officials of the Member States who are to work in external relations functions, as well as staff from CSDP missions, with training based on uniformly harmonised curricula, with comprehensive and common training for all officials and appropriate training in consular and legation procedures, diplomacy, conflict mediation and international relations, together with knowledge of the history and experience of the European Union;

Wednesday 10 March 2010

72. Takes the view that, in order to improve the training of deployed personnel and ensure optimum use of training resources, a more systematic link should be established between attendance at training courses and deployment on missions; calls on the Council to draft a common European statute for deployed personnel, governing training standards, rules of engagement or deployment and degrees of operational freedom, rights and duties, quality of equipment and medical care and social security arrangements in the event of death, injury or incapacity;

73. Welcomes the signing of the Treaty of Strasbourg on 26 February 2009, which confers legal personality on the European Army Corps (Eurocorps); calls for the Union to use this multinational force where necessary;

Funding the CSDP

74. Recalls that the Lisbon Treaty does not fundamentally alter the funding of missions and operations carried out under the CSDP, such that:

- civil missions are financed from the EU budget,
- the common costs associated with military operations are financed via the Athena mechanism;

75. Recalls the provision in the Lisbon Treaty on the start-up fund available to the Vice-President/High Representative for the purpose of financing preparatory activities for CSDP missions which, for one reason or another, are not covered by the EU budget; emphasises the added-value of this fund, which should make it easier for the Vice-President/High Representative to prepare effectively and rapidly for action in the context of the CSDP; encourages the Member States to start the necessary implementation work in the near future;

76. Calls on the Member States to extend the list of common costs financed via the Athena mechanism so as to generate greater mutual solidarity and encourage more Member States to participate in EU military operations;

77. Suggests, in the context of revising the Financial Regulation, that the rules and procedures applicable to crisis management – an area subject to specific requirements such as rapid deployment and security considerations – be made more flexible;

78. Recalls that the financial instruments administered by the Commission are crucial for crisis management, especially the Instrument for Stability and the European Development Fund (including the African Peace Facility); stresses the need to coordinate these different instruments;

Partnerships

EU/NATO

79. Recalls the need to consolidate the strategic partnership and ensure constructive cooperation between the EU and NATO; recommends avoiding blockages and calls for a review of the present arrangements for EU-NATO operational cooperation (Berlin Plus agreement) as well as the development of a new functional framework that facilitates broader cooperation when the two organisations are present in the same theatre of operations;

80. Insists that the Vice-President/High Representative should engage in a rigorous dialogue with the Secretary-General of NATO with respect to NATO's current review of its strategic concept, in order to ensure that NATO takes full account of the development of the EU's Common Security and Defence Policy, including the potential permanent structured cooperation in defence;

Wednesday 10 March 2010

81. Views it as regrettable that the technical agreements between the NATO and EU operations in Afghanistan and Kosovo have still not been signed; calls on the Council and Member States to bring their political influence to bear in the appropriate EU and NATO bodies to secure implementation;

82. Emphasises the constructive cooperation between the two organisations in the fight against piracy (Operation Atalanta and NATO's Operation Ocean Shield);

83. Congratulates NATO's Secretary General on wishing to involve the Union, including the European Parliament, in the discussions on a revised strategic concept for that organisation; expects this to give rise to specific initiatives in the near future;

84. Welcomes the cooperation between the EU and NATO in the field of military capability, such as the efforts to improve operational helicopter capacity;

EU/United Nations

85. Recalls the need for close cooperation between the EU and the United Nations in the area of crisis management, particularly in those theatres of operation in which both organisations are present and/or have to take over from one other; calls for such cooperation to be strengthened in the early stages of a crisis, particularly as regards planning;

EU/African Union

86. Emphasises the need for constructive cooperation between the European Union and the African Union, in accordance with the commitments entered into as part of the Peace and Security Partnership associated with the Africa-EU Joint Strategy; takes the view that the European Union should, as far as is possible, support the African Union, particularly in those theatres of operation – such as Somalia – in which the latter is the sole organisation on the ground, and calls on the African Union to endeavour to develop Africa's crisis response capability and ensure that more effective use is made of assistance received from international partners; calls on the Commission and the Member States to devote special attention to the problem of the uncontrolled proliferation of small arms and light weapons, particularly in Africa, and in this context to place the emphasis on compliance with the existing rules on arms in crisis areas from all Member States;

EU/United States

87. Calls on the Council to further the Union's relationship with the United States in the field of peace-building and crisis management, including in respect of military issues and natural disasters; such cooperation is particularly important when it comes to the fight against piracy missions in Somalia, efforts to strengthen African peacekeeping capabilities, and operations in Kosovo and Afghanistan; particularly welcomes the United States' participation in the EULEX Kosovo mission under European command;

88. Takes the view that the new version of the anti-missile shield envisaged by the American administration should be studied in depth and verified, and if such system is to be developed, it should take account of a common European approach to protecting Europe against ballistic threats, in a dialogue on a continental scale, and with efforts being made to involve the European defence industry in its development;

Involvement of non-EU countries in the ESDP

89. Recalls that 24 countries on the five continents have participated in 16 EU civil and military operations to date; emphasises that the involvement of non-EU states represents significant political and operational added-value to EU operations; takes the view that the Union should continue on this path and explore possible ways of involving these non-EU countries more fully, without undermining its decision-making autonomy;

Wednesday 10 March 2010

Parliamentary prerogatives

90. Welcomes the Council's increased involvement in the European Parliament's security and defence work, particularly within the specialised subcommittee; welcomes the inclusion of a section on relations with Parliament in the Council's latest conclusions on the ESDP; encourages the Vice-President/High Representative, in the context of the Lisbon Treaty, to continue on this path with a view to conferring strong democratic legitimacy on the CSDP;

91. Recalls that the European Parliament is the only supranational institution with a legitimate claim to exercise democratic supervision over the EU's security and defence policy, and that this role has been strengthened by the entry into force of the Lisbon Treaty; takes the view that the WEU Assembly – which owes its existence to a treaty (the Modified Brussels Treaty) that has not been signed by all the EU Member States – is neither politically equipped nor legally entitled to exercise parliamentary supervision over the CSDP;

92. Recommends in consequence that the European Parliament and the national parliaments, bearing in mind the options available under the Lisbon Treaty, make full use of Protocol No 1 to that treaty to step up their cooperation in relation to the CFSP and the CSDP by developing closer, more structured working relationships between their respective competent committees vis-à-vis security and defence matters; emphasises that this closer cooperation between the European Parliament and national parliaments will replace the prerogatives misappropriated by the WEU Assembly; also emphasises the need to modify its own structures in order to supervise the CSDP more effectively; urges the Council and the High Representative/Vice-President to find ways to involve the European Parliament and its competent committee from the early stages of the setting-up of Civilian Crisis Management Concepts and Operation Plans;

93. Calls on the Council to inform Parliament in advance of the preparation and conduct of missions and operations; suggests that the Council, out of a concern for transparency, keep it regularly informed regarding the use of the Athena mechanism and the start-up fund, as it already does in the case of the use of CFSP appropriations for civil missions; considers that in the interests of budgetary clarity first all non-military expenditure should be indicated in the EU budget and that, as an additional step, after a necessary Treaty amendment, military expenditure should also be shown in the EU budget;

94. Calls for the revision of the 2002 interinstitutional agreements between the European Parliament and the Council concerning the European Parliament's access to sensitive Council information relating to the ESDP and the CSDP, so that the MEPs responsible – including the Chairs of the subcommittees on security and defence and on human rights – can obtain the necessary information to exercise their prerogatives in an informed manner;

*

* *

95. Instructs its President to forward this resolution to the Council and the Commission, and to the Member States' parliaments, the NATO Parliamentary Assembly and the Secretaries-General of the United Nations and NATO.

Wednesday 10 March 2010

Non-proliferation Treaty

P7_TA(2010)0062

European Parliament resolution of 10 March 2010 on the Treaty on the Non-Proliferation of Nuclear Weapons

(2010/C 349 E/14)

The European Parliament,

- having regard to its recommendation to the Council of 24 April 2009 on non-proliferation and the future of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (2008/2324 (INI)) ⁽¹⁾,
- having regard to its previous resolutions of 26 February 2004 ⁽²⁾, 10 March 2005 ⁽³⁾, 17 November 2005 ⁽⁴⁾ and 14 March 2007 ⁽⁵⁾ on nuclear non-proliferation and nuclear disarmament,
- having regard to its resolution of 10 February 2010 on Iran ⁽⁶⁾,
- having regard to the forthcoming 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,
- having regard to the UN Security Council resolutions relating to issues of non-proliferation and disarmament, especially Resolutions 1540 (2004), 1673 (2006) and 1887 (2009),
- having regard to the EU-US Summit Declaration of 3 November 2009 (Annex 3),
- having regard to its resolution of 5 June 2008 on implementation of the European Security Strategy and ESDP ⁽⁷⁾,
- having regard to the European Union Strategy against the Proliferation of Weapons of Mass Destruction (WMD), adopted by the European Council on 12 December 2003,
- having regard to the recent six-monthly Progress Report on the implementation of the EU Strategy against the proliferation of Weapons of Mass Destruction (2009/II),
- having regard to the Council statement of 8 December 2008 on tighter international security, in particular points 6, 8 and 9 thereof, which expresses the EU's determination to combat the proliferation of weapons of mass destruction and their means of delivery,
- having regard to the Comprehensive Nuclear Test Ban Treaty, the IAEA Comprehensive Safeguards Agreements and Additional Protocols, the Convention on the Physical Protection of Nuclear Material, the International Convention for the Suppression of Acts of Nuclear Terrorism, the Hague Code of Conduct against Ballistic Missile Proliferation, the Strategic Arms Reduction Treaty (START I), which expired in 2009, and the Strategic Offensive Reductions Treaty (SORT),

⁽¹⁾ Texts adopted, P6_TA(2009)0333.

⁽²⁾ OJ C 98 E, 23.4.2004, p. 152.

⁽³⁾ OJ C 320 E, 15.12.2005, p. 253.

⁽⁴⁾ OJ C 280E, 18.11.2006, p. 453.

⁽⁵⁾ OJ C 301 E, 13.12.2007, p. 146.

⁽⁶⁾ Texts adopted, P7_TA(2010)0016.

⁽⁷⁾ Texts adopted, P6_TA(2008)0255.

Wednesday 10 March 2010

- having regard to the report on the implementation of the European Security Strategy agreed by the European Council on 11 December 2008,
 - having regard to the questions of 21 December 2009 to the Commission and to the Council on the Non-Proliferation Treaty (O-0170/2009 – B7-0010/2010, O-0169/2009 – B7-0009/2010),
 - having regard to the European Council declaration on Iran of 10-11 December 2009,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas the proliferation of WMD, and their means of delivery, represents one of the most serious threats to international peace and security, and whereas the most pressing security priorities are to prevent terrorists or additional states from obtaining or using nuclear weapons, to reduce global stockpiles, and to move toward a world without nuclear weapons,
- B. whereas there has been a distinct lack of progress in achieving concrete objectives (such as the so-called '13 Practical Steps' ⁽¹⁾) in pursuit of the goals of the NPT Treaty, as agreed at the previous review conferences, especially now that threats are arising from a variety of sources, including increasing proliferation; whereas this is coupled with greater demand for, and availability of, nuclear technology and the potential for such technology and radioactive material to fall into the hands of criminal organisations and terrorists,
- C. whereas the NPT, as the cornerstone of the global non-proliferation regime, must be strengthened, while bold political leadership and a number of progressive consecutive steps are urgently needed in order to reaffirm the validity of the NPT and reinforce the agreements, treaties and agencies that make up the existing proliferation and disarmament regime, in particular the Comprehensive Nuclear Test Ban Treaty (CTBT) and the International Atomic Energy Agency (IAEA),
- D. whereas there is a need further to reinforce all three pillars of the NPT, namely non-proliferation, disarmament and cooperation on the civilian use of nuclear energy,
- E. whereas nuclear weapons states that are signatories to the NPT are delaying action to reduce or eliminate their nuclear arsenals and decrease their adherence to a military doctrine of nuclear deterrence,
- F. calling for further progress on all aspects of disarmament to enhance global security,
- G. whereas the EU has committed itself to making use of all instruments at its disposal to prevent, deter, halt and if possible eliminate proliferation programmes causing concern at global level, as clearly expressed by the EU Strategy against Proliferation of WMD adopted by the European Council on 12 December 2003,
- H. whereas there is a need for the EU to step up its efforts to counter proliferation flows and financing, to sanction acts of proliferation and to develop measures to prevent intangible transfers of knowledge and know-how, using all means available, including multilateral treaties and verification mechanisms, national and internationally coordinated export controls, cooperative threat reduction programmes and political and economic levers,

⁽¹⁾ United Nations: 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, NPT/CONF.2000/28 (Parts I and II).

Wednesday 10 March 2010

- I. welcoming the Declaration on Non-Proliferation and Disarmament (Annex 3) adopted at the EU-US Summit of 3 November 2009, which highlighted the need to preserve and strengthen the relevant multilateral measures and in particular the Nuclear Non-Proliferation Treaty, expressed support for the entry into force of the Comprehensive Test Ban Treaty and called for the start of negotiations on the Fissile Material Cut-Off Treaty in January 2010; noting furthermore that the declaration reiterates the necessity for Iran and the Democratic People's Republic of Korea (DPRK) to fulfil their international nuclear obligations,
 - J. whereas Iran missed the end-of-year deadline for complying with calls to open its nuclear facilities to International Atomic Energy Agency inspectors; whereas Iran has so far done nothing to rebuild the confidence of the international community in the exclusively peaceful nature of its nuclear programme,
 - K. encouraged by disarmament proposals called for by Henry Kissinger, George P. Shultz, William J. Perry and Sam Nunn in January 2007 and January 2008, similar endorsements in Europe by former statesmen in the United Kingdom, France, Germany, Italy, the Netherlands, and Belgium, the Model Nuclear Weapons Convention and the Hiroshima-Nagasaki Protocol, promoted globally by civic organisations and political leaders, and campaigns such as 'Global Zero',
 - L. whereas the revision of NATO's Strategic Concept offers an opportunity for reassessing the nuclear policy of the alliance as a whole so as to reach the objective of a world without nuclear weapons; whereas under NATO nuclear-sharing or bilateral arrangements, an estimated 150 to 200 tactical nuclear weapons continue to be deployed in five NATO non-nuclear states (Belgium, Germany, Italy, the Netherlands and Turkey),
 - M. whereas there is a need for close coordination and cooperation between the EU and its partners, in particular the United States and Russia, with a view to reviving and strengthening the non-proliferation regime,
 - N. welcoming, in this respect, the joint British-Norwegian initiative aimed at assessing the feasibility of, and establishing clear procedural steps for, the eventual dismantling of nuclear weapons and the related verification procedures relating thereto, which is a concrete contribution in the right direction,
 - O. whereas in 2008 the French and British Governments announced reductions in their operational warheads but decided at the same time to modernise their nuclear arsenals; whereas all Member States have an obligation to contribute successfully to EU non-proliferation and disarmament policies,
-
- 1. Calls on all parties concerned to seize the opportunity of the forthcoming 2010 UN Nuclear Non-Proliferation Treaty Review Conference to advance the goal of nuclear disarmament based on an international Treaty for the progressive elimination of nuclear weapons worldwide, and to pursue the goal of complete global nuclear disarmament to be realised on a step-by-step concerted, multilateral basis;
 - 2. Stresses the need to develop strategies at the 2010 NPT Review Conference aimed at achieving agreement on a treaty to halt the production of fissile material for weapons purposes in a way that is not discriminatory, which means that the treaty thus negotiated should require non-nuclear-weapons States or States currently outside the NPT to forswear the production of fissile material for weapons and to dismantle all their established fissile material production facilities for such weapons;
 - 3. Stresses that the five UN Security Council members, all of which possess nuclear weapons, should aim at progressively forswearing the production of fissile material for weapons and dismantling all their established fissile material production facilities for such weapons;
 - 4. Calls on all parties to review their military doctrine with a view to renouncing the first-strike option;

Wednesday 10 March 2010

5. Calls on the Council and the Member States to make a coordinated, positive and visible contribution to the 2010 NPT Review Conference discussions, in particular by proposing an ambitious timetable for a nuclear-free world and concrete initiatives for revitalising the UN Conference on Disarmament and by promoting disarmament initiatives based on the 'Statement of Principles and Objectives' agreed at the end of the 1995 NPT Review Conference and on the '13 Practical Steps' unanimously agreed at the 2000 Review Conference;
6. Expresses its concern about the fact that Israel, India and Pakistan did not become States Parties to the NPT and that North-Korea withdrew from it in 2003; calls on these countries to become States Parties to the treaty;
7. Urges the Vice-President of the Commission/ High Representative of the Union for Foreign Affairs and Security Policy, the Council and the Commission to keep Parliament regularly informed about all preparatory meetings in the run-up to the 2010 NPT Review Conference and to take due account, with regard to that conference, of its views on non-proliferation and disarmament matters;
8. Urges, in this respect, the Vice-President of the Commission/ High Representative of the Union for Foreign Affairs and Security Policy, the Council and the Commission to make every effort to raise European awareness on non-proliferation issues, in collaboration with all the parties and non-state actors working for a nuclear-free world, with regard, in particular, to the network of Mayors for Peace;
9. Welcomes the inclusion of non-proliferation of WMD clauses in the EU agreements with third countries and action plans; points out that such measures must be implemented by all EU partner countries without exception;
10. Greatly welcomes US President Barack Obama's speech in Prague on 5 April 2009 expressing his commitment to taking nuclear disarmament forward and his vision of a world without nuclear weapons in a concerted effort forward; calls on the Council to express its explicit support for this commitment;
11. Reiterates the importance of the Council's active support, in cooperation with its partners, for concrete proposals to bring the production, use and reprocessing of all nuclear fuel under the control of the IAEA, including the creation of an international fuel bank; supports, in addition, other initiatives for the multilateralisation of the nuclear fuel cycle aimed at the peaceful use of nuclear energy, bearing in mind that Parliament welcomes the readiness of the Council and the Commission to contribute up to EUR 25 million towards the creation of a nuclear fuel bank under the control of the IAEA and wishes to see speedy approval of joint action on this subject;
12. Supports further efforts to strengthen the mandate of the IAEA, including the generalisation of the Additional Protocols to the IAEA Safeguard Agreements and other steps designed to develop confidence-building measures; seeks to ensure that sufficient resources are made available to that organisation to enable it to fulfil its vital mandate in making nuclear activities secure; encourages the Council and the Commission to pursue their efforts to strengthen the International Atomic Energy Agency capacities, including the modernisation the IAEA's Safeguards Analytical Laboratory at Seibersdorf, Austria;
13. Stresses the importance of the earliest possible entry into force of the Comprehensive Nuclear Test Ban Treaty (CTBT); welcomes in this respect the US Administration's intention to secure the treaty's ratification; asks the Council to fully support the negotiation of a treaty banning the production of fissile material for nuclear weapons or other nuclear devices as soon as possible; looks forward to the new Nuclear Posture Review, that should commit the USA not to develop new nuclear weapons including nuclear bunker-busters, foresee a dramatic reduction of the nuclear stockpile and steer the USA towards increased emphasis on non-nuclear defence;

Wednesday 10 March 2010

14. Calls for a deepening of the dialogue with the new US administration and all nuclear-weapons powers, with a view to pursuing a common agenda aimed at progressive reduction of the nuclear warheads stockpile; in particular, supports those steps being taken by the US and Russia to substantially reduce their nuclear weapons as agreed in START 1 and in SORT;
15. Welcomes in this connection the decision of the Russian Federation and the US to conduct negotiations with a view to concluding a new, comprehensive, legally binding agreement to replace the Strategic Arms Reduction Treaty (START), which expired in December 2009, and the signature of the 'Joint understanding for a follow-on agreement to START-1' by Presidents Barack Obama and Dmitri Medvedev in Moscow on 6 July 2009; welcomes the recent progress in US-Russian negotiations and looks forward to a final agreement in the context of the next round of talks starting on 9 March 2010 in Geneva;
16. Takes note of the fact that the USA has abandoned its original plans for a missile defence shield in Europe; supports a new approach involving all of Europe and Russia;
17. Calls for the establishment of nuclear-free zones as a positive step towards a nuclear-free world; takes the view, in this regard, that a nuclear-free zone in the Middle East is of fundamental importance for the achievement of lasting and comprehensive peace in the region; points out that the withdrawal of all tactical warheads in Europe could, in the meantime, set a precedent for further nuclear disarmament;
18. Draws attention to the strategic anachronism of tactical nuclear weapons and the need for Europe to contribute to their reduction and to eliminate them from European soil in the context of a broader dialogue with Russia; against this background, notes the German coalition agreement of 24 October 2009 to work towards the withdrawal of nuclear weapons from Germany as part of the overall process of achieving a nuclear-free world; welcomes the letter sent on 26 February 2010 by the Foreign Ministers of Germany, the Netherlands, Belgium, Luxembourg and Norway to the Secretary General of NATO calling for a comprehensive discussion in the Alliance on how it can move closer to the overall political objective of a world without nuclear weapons;
19. Supports the dual-track approach concerning Iran's nuclear programme; urges once again Iran to comply fully and without further delay with its obligations under the relevant resolutions of the United Nations Security Council and the IAEA, notably to meet the requirements set out by the IAEA Board of Governors' resolution of 27 November 2009; urges the Council to support action by the United Nations Security Council if Iran continues not to cooperate with the international community over its nuclear programme; calls on the Council to be ready to take the necessary 'smart', targeted and non-proliferation-focused measures including sanctions to accompany this UNSC process;
20. Deplores the latest nuclear testing conducted by the Democratic People's Republic of Korea and the rejection by that country of UN Security Council Resolution 1887 (2009) of 24 September 2009; supports, nevertheless, the US bilateral dialogue approach, within the framework of the Six-Party Talks, in pursuit of denuclearisation of the Korean peninsula and notes that China plays a special role in this regard;
21. Supports the convening of the April 2010 Nuclear Security Summit, recognising that the unauthorised trade in and use of nuclear materials is an immediate and serious threat to global security, and looks forward to concrete proposals to increase the security of vulnerable nuclear materials, which could include measures to effectively investigate instances where material has been unlawfully diverted and prosecute those responsible;
22. Instructs its President to forward this resolution to the Member States, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the UN Secretary-General, the President of the 2010 NPT Review Conference and the Director-General of the IAEA.
-

Thursday 11 March 2010

Cuba

P7_TA(2010)0063

European Parliament resolution of 11 March 2010 on prisoners of conscience in Cuba

(2010/C 349 E/15)

The European Parliament,

- having regard to its previous resolutions on the situation in Cuba, in particular those of 17 November 2004, 2 February 2006 and 21 June 2007,
 - having regard to its previous resolutions on the Annual Reports on Human Rights in the World for 2004, 2005, 2006, 2007 and 2008, and to the EU's policy in the field of human rights,
 - having regard to its resolution of 14 December 2006 on the follow-up to the Sakharov Prize ⁽¹⁾,
 - having regard to the Council Presidency Declaration of 14 December 2005 on the Damas de Blanco and to the earlier declarations of 26 March 2003 and 5 June 2003 on the situation in Cuba,
 - having regard to Council Common Position 96/697/CFSP, adopted on 2 December 1996 and updated periodically since,
 - having regard to the conclusions of the General Affairs and External Relations Council of 18 June 2007, June 2008 and 15 June 2009, on Cuba,
 - having regard to the statements issued by the spokesperson for the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Baroness Catherine Ashton, and by the President of Parliament, Jerzy Buzek, on the death in Cuba of the political prisoner and prisoner of conscience Orlando Zapata Tamayo,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas defending the universality and indivisibility of human rights, including civil, political, economic, social and cultural rights, remains one of the European Union's main objectives,
- B. whereas dozens of independent journalists, peaceful dissidents and human rights defenders, mostly members of the democratic opposition, are still being held in jail in Cuba for exercising the basic rights of expression and assembly and the right to hold meetings,
- C. whereas Parliament awarded the 2005 Sakharov Prize for Freedom of Thought to the Damas de Blanco; whereas the Cuban authorities' refusal to allow the Damas de Blanco to travel to the seat of Parliament to receive the award violates one of the basic human rights, namely the right freely to leave and return to one's own country, as enshrined in the Universal Declaration of Human Rights,
- D. whereas the Community institutions have made efforts to secure the release and humanitarian treatment of political prisoners and prisoners of conscience in Cuba,

⁽¹⁾ Texts adopted, P6_TA(2006)0601.

Thursday 11 March 2010

- E. whereas the death of Orlando Zapata Tamayo – the first time in nearly 40 years that a Cuban activist has died on hunger strike in protest against government abuses – is considered a serious step backwards for human rights in Cuba and has resulted in a wave of protest at international level and in more Cuban political and dissident prisoners going on hunger strike,
1. Strongly condemns the avoidable and cruel death of the dissident political prisoner Orlando Zapata Tamayo after a hunger strike of 85 days, and expresses its solidarity and sympathy with his family;
 2. Condemns the pre-emptive detention of activists and the government's attempt to prevent the family of Orlando Zapata Tamayo from holding his funeral and paying their last respects;
 3. Deplores the absence of any significant signs of response by the Cuban authorities to the calls by the EU and the international community for all political prisoners to be released and for fundamental freedoms, especially freedom of expression and political association, to be fully respected;
 4. Calls on the Cuban Government for the immediate and unconditional release of all political prisoners and prisoners of conscience;
 5. Voices its concern at the situation of the political prisoners and dissidents who went on hunger strike following Zapata's death; welcomes the fact that most of them are now taking food again, but draws attention to the alarming state of the journalist and psychologist Guillermo Fariñas, whose continuation of the hunger strike could have fatal consequences;
 6. Deplores the failure to respond to the repeated calls by the Council and Parliament for the immediate release of all political prisoners and prisoners of conscience, and stresses that imprisoning Cuban dissidents for their ideals and their peaceful political activity is contrary to the Universal Declaration of Human Rights;
 7. Urges the Council and Commission to step up action to demand the release of political prisoners and promote and provide guarantees for the work of human rights defenders, along the lines agreed by the Foreign Affairs Council in its conclusions of 8 December 2009;
 8. Urges the EU institutions to give their unconditional support and full encouragement to the launching of a peaceful process of political transition to multi-party democracy in Cuba;
 9. Voices its profound solidarity with the entire Cuban people and its support for them in their progress towards democracy and respect and promotion of fundamental freedoms
 10. Calls on the High Representative of the Union for Foreign Affairs and Security Policy and the Commissioner responsible for cooperation immediately to begin a structured dialogue with Cuban civil society and with those who support a peaceful transition in Cuba, in keeping with the conclusions successively adopted by the Council of the EU, using the Community's development cooperation mechanisms, in particular under the European Initiative for Democracy and Human Rights;
 11. Instructs its President to forward this resolution to the Council, the Commission, the EU rotating Presidency, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Euro-Latin American Parliamentary Assembly and the Cuban Government and National Assembly of People's Power.
-

Thursday 11 March 2010

Investing in Low Carbon Technologies

P7_TA(2010)0064

European Parliament resolution of 11 March 2010 on investing in the development of low carbon technologies (SET-Plan)

(2010/C 349 E/16)

The European Parliament,

- having regard to the Council conclusions of 28 February 2008,
- having regard to the Commission's Communication on Investing in the Development of Low Carbon Technologies (SET-Plan) (COM(2009)0519) and the Working Papers drawing up the technology roadmaps 2010-2020 for the implementation of the SET Plan (SEC(2009)1295) and the R&D investment in the priority technologies (SEC(2009)1296),
- having regard to its resolution of 9 July 2008 on the European Strategic Energy Technology Plan (2008/2005(INI)) ⁽¹⁾,
- having regard 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 (2007-2013) ⁽²⁾,
- having regard to Decision No 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) ⁽³⁾,
- having regard to Regulation (EC) No 663/2009 of the European Parliament and of the Council of 13 July 2009 establishing a programme to aid economic recovery by granting Community financial assistance to projects in the field of energy ⁽⁴⁾,
- having regard to Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC ⁽⁵⁾,
- having regard to Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community ⁽⁶⁾,
- having regard to the Commission's Communication of 10 January 2007 on Energy Policy for Europe, which defines the EU's core objectives for energy as sustainability, competitiveness and energy security (COM(2007)0001),
- having regard to its resolution of 10 February 2010 on the outcome of the Copenhagen Conference on Climate Change (COP 15) ⁽⁷⁾,

⁽¹⁾ Texts adopted, P6_TA(2008)0354.

⁽²⁾ OJ L 412, 30.12.2006, p. 1.

⁽³⁾ OJ L 310, 9.11.2006, p. 15.

⁽⁴⁾ OJ L 200, 31.7.2009, p. 31.

⁽⁵⁾ OJ L 140, 5.6.2009, p. 16.

⁽⁶⁾ OJ L 140, 5.6.2009, p. 63.

⁽⁷⁾ Texts adopted, P7_TA(2010)0019.

Thursday 11 March 2010

- having regard to the questions of 12 February 2010 on investing in the development of low carbon technologies (SET-Plan) (O-0015/2010 – B7-0011/2010, O-0016/2010 – B7-0012/2010),
 - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas the European Union can only achieve its target of reducing greenhouse gas emissions by 20 %, and by 30 % in the event of an international agreement, reducing the use of primary energy compared with projected levels by 20 % and reaching a figure of at least 20 % of energy produced from renewable sources by 2020, if it increases its efforts to develop a portfolio of affordable, clean, efficient and sustainable low carbon energy technologies,
- B. whereas such technologies can be part of the solution to properly address the challenges of climate change, to secure EU energy supply and to ensure the competitiveness of our economies,
- C. whereas public and private energy research budgets have decreased since the 1980s; whereas the current level of resources does not match the scale of the challenges in moving towards a sustainable low carbon energy system,
- D. whereas financing is one of the major challenges in driving forward innovation in the field of energy in the EU,
- E. whereas in the field of the six European Industrial Initiatives (EIIs) the Commission identifies a need for public and private investment over the next 10 years of EUR 6 billion for wind energy, EUR 16 billion for solar energy, EUR 2 billion for electricity networks, EUR 9 billion for bio-energy, EUR 13 billion for carbon capture and storage (CCS), EUR 7 billion for nuclear fission and EUR 5 billion for the Joint Technology Initiative (JTI) on fuel cells and hydrogen,
- F. whereas the SET Plan has the objective, and the potential, of turning the EU into an innovative economy, thereby creating hundreds of thousands of new skilled jobs in the next decade and pushing forward a fast growing industrial sector,
- G. whereas the urgently needed shift in the energy paradigm calls for a risk-sharing approach, in which all relevant actors, public and private, have to take shared responsibility, which implies the need for more public financial support, but also the need for industry, banks and private investors to take greater responsibility for sharing technological and market risks,
- H. whereas research is chronically underfunded in the EU,
1. Welcomes the SET Plan as describing concrete actions for research in the field of clean, sustainable and efficient low carbon energy technologies; underlines its potential to turn the EU into an innovative economy; stresses also, that without this new approach the EU will not meet its energy and climate goals for 2020;
 2. Recognises the need to increase substantially public and private investment in the development of sustainable low carbon energy technologies, in order to speed up the development, cost-effective deployment and fast, widespread application of these technologies over the next 10 years;
 3. Believes strongly that funding needs for the implementation of the SET-Plan can only be met if additional public and private resources are made available and that the SET-Plan is only credible if new money is reallocated to it from the EU budget;
 4. Calls on both public and private stakeholders to allocate immediately additional resources to the implementation of the agreed roadmaps, whereby the major part has to come from the private sector with a substantive increase in the portion of public investment both at EU and at national level;

Thursday 11 March 2010

5. Underlines that, in the light of the economic crisis, investing in those new technologies that have the greatest potential for job creation should be a priority; underlines that it will lead to the creation of markets, generate new revenue streams and contribute to the development of the EU's economy and competitiveness; stresses, finally, that it will, furthermore, strengthen the security of the EU's energy supply and reduce its energy dependency on a limited number of energy resources, suppliers and transport routes;
6. Reiterates its request to ensure adequate financing to support clean, sustainable and efficient low carbon energy technologies, which amounts in total to at least EUR 2 billion per annum of the EU budget being spent in addition to FP7 and CIP from 2010 onwards; calls, in this context, for the urgent establishment of a funding timetable by the Commission and the Member States of the resources they will commit to ensure that funds start flowing from 2010;
7. Calls, furthermore, on the Council and the Commission to take advantage of the debate on the mid-term review of the current financial perspectives and on the debate of the next financial perspectives, in order to better align the current and future EU budgets with EU policy priorities, notably as regards research, climate action and security of energy supply;
8. Considers it absolutely necessary to rapidly use the EUR 300 million allowances set aside from the New Entrants Reserve of the EU Emission Trading Scheme (ETS) to support carbon capture and storage and innovative renewable sources of energy; urges the European Investment Bank (EIB) to align its lending criteria with eligible innovative renewable installations;
9. Reminds Member States that from 2013 onwards the ETS auction revenues are a crucial source of funding for climate mitigation and the deployment and development of sustainable low carbon energy technologies;
10. Calls for the role of the EIB in financing energy-related projects to be enhanced, in particular by increasing its lending target in the field of energy, by increasing its capacity to offer loan guarantees to energy projects and by improving the coordination and continuity of funding for higher-risk research and development energy projects;
11. Calls on the EIB to consider with adequate priority those projects that will realistically enhance the viability of sustainable low carbon technology demonstration (e.g. the development of smart grids and mini hydro facilities);
12. Welcomes the ongoing initiatives such as the Risk Sharing Finance Facility (RSFF), the 'Marguerite Fund' (2020 European Equity Fund for Energy, Climate Change and Infrastructure), venture capital and the High Growth and Innovative SME Facility (GIF), whose role in contributing to the financing of the SET-Plan initiatives should be strengthened and submitted to a proper evaluation process under a mid-term review;
13. Asks the Commission, in close cooperation with the EIB, to come forward without delay, and by 2011 at the latest, with a comprehensive proposal for an instrument to finance renewable energy and energy efficiency projects and smart grids development;
14. Stresses that the capacity of the EU research base needs to be enlarged and that further education and training is essential to provide the quantity and quality of human resources required to take full advantage of the new technology opportunities opening up;
15. Stresses the need to create the right conditions and a stable and favourable regulatory framework to support the establishment of public-private partnerships, which are a pre-requisite for implementing the SET-Plan and the European Industrial Initiatives (EIIIs);
16. Calls on the Commission to ensure that technology manufacturers can apply directly for SET-Plan funding, not just as members of consortia with energy utilities as is the case for the economic recovery programme and the NER300;

Thursday 11 March 2010

17. Recognises that SMEs are a major driving force in the development of many sustainable low carbon energy technologies, in particular as regards developing more decentralised energy systems, and underlines, therefore, that access to public grants and loans, including funding under the SET-Plan, must be designed in an SME-friendly manner; calls for a very significant share of the EU funding available under the SET-Plan to be earmarked for SMEs;
18. Welcomes the focus on funding of demonstration projects (large scale); underlines, however, the need to make available funds for risky medium and long-term basic and applied research too;
19. Invites the European Energy Research Alliance (EERA) to launch and implement joint programmes for implementing the SET-Plan by developing strong links with the EITs and to expand its activities; stresses that, if the EERA is fully to assume this role, sufficient funds should be allocated by EU and national budgets;
20. Expresses its concern at the fact that the European Research Council (ERC) is not planning any specific energy-related programmes, thereby demonstrating the lack of proper investment in basic research;
21. Welcomes the initiative of the European Institute of Technology & Innovation (EIT) to launch specific Knowledge and Innovation Communities (KICs) on sustainable energy and climate change adaptation and mitigation;
22. Welcomes the proposal that the new Smart Cities Initiative focusing on energy efficiency in European cities (in particular the signatories of the Covenant of Mayors) be added to the existing six EITs with the aim of creating the conditions to trigger mass market take-up of energy efficiency and renewable energy technologies as well as smart distribution grids in urban areas; urges the Commission and the Member States to implement rapidly this new initiative that boosts the local economy and promotes social cohesion, involving fully local and regional authorities, which have a crucial role to play in the promotion and use of sustainable low-carbon energy technologies;
23. Reminds the Commission of its reporting obligations under the Energy Recovery Plan Regulation and its undertaking to make additional proposals that would allow funding for projects in the areas of energy efficiency and renewable energy sources if money remains after the call for proposals; notes that EUR 50 million are uncommitted; expects EUR 116,19 million of uncommitted money to be available for such projects;
24. Invites the Commission and the Member States to further explore and disseminate innovative approaches to urban planning and development, especially integrated urban planning that meets the needs for strengthened social inclusion, territorial cohesion, and strong deployment of sustainable energy and clean transport in order to build resilient urban systems;
25. Urges the Commission to come forward with complementary initiatives to exploit the great potential of other technological avenues mentioned in its Communication on Investing in the Development of Low-Carbon Technologies (SET-Plan) of 7 October 2009, as well as of salinity gradients and geothermal energy; stresses the need to make additional resources available from the EU budget in order to finance these;
26. Welcomes the selection of the six EITs and the drawing up of the 2010-2020 technology roadmaps providing concrete objectives for making each sustainable low carbon technology cost-competitive, and invites the Commission to launch mature EITs, ensuring that their governance structure is light, non-bureaucratic and transparent and that a central common feature is regular contact with the SET-Plan Steering Group and the EIB;
27. Invites the SET-Plan Steering Group to report to the European Parliament once a year and to envisage a wider structure of expertise by creating technical working groups in the areas of interest in order to involve a larger number of stakeholders in the discussion and decision process;

Thursday 11 March 2010

28. Invites the Commission to foster international cooperation with other key strategic partners in developed, emerging and developing countries in the field of the development, deployment and diffusion of sustainable low carbon energy technologies, notably through funds such as GEEREF, which focuses on small-scale projects;

29. Welcomes moves to foster cooperation in the field of energy technologies, such as the one initiated by the recent establishment of the EU-US Energy Council; calls, in this context, on the Energy Council to exploit synergies for implementing the SET-Plan;

30. Calls on the Commission and the Member States to promote world-wide carbon emission trading to create a stable and fair competitive environment for the development and deployment of sustainable low carbon technologies;

31. Asks the Commission to monitor the effective implementation of the SET-Plan, to introduce an accompanying evaluation system for this purpose, to assess any obstacles encountered in implementing the roadmaps and to inform Parliament regularly on the progress made on implementing the SET-Plan and its roadmaps;

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

Effects of the Xynthia storm in Europe

P7_TA(2010)0065

European Parliament resolution of 11 March 2010 on the major natural disaster in the autonomous region of Madeira and the effects of the storm 'Xynthia' in Europe

(2010/C 349 E/17)

The European Parliament,

- having regard to Article 3 of the Treaty of the EU and Articles 191 and 349 of the Treaty on the Functioning of the EU,
- having regard to the Commission proposal for a Regulation establishing a European Union Solidarity Fund (COM(2005)0108) and to Parliament's position of 18 May 2006 ⁽¹⁾,
- having regard to its resolutions of 5 September 2002 on floods in Europe ⁽²⁾, of 8 September 2005 on natural disasters (fires and floods) in Europe ⁽³⁾, of 7 September 2006 on forest fires and floods ⁽⁴⁾ and its resolutions of 18 May 2006 on natural disasters (forest fires, droughts and floods) – agricultural aspects ⁽⁵⁾, regional development aspects ⁽⁶⁾ and environmental aspects ⁽⁷⁾,
- having regard to the White Paper 'Adapting to climate change: Towards a European framework for action' (COM(2009)0147) and to the Communication from the Commission on a Community approach on the prevention of natural and man made disasters (COM(2009)0082),

⁽¹⁾ OJ C 297 E, 7.12.2006, p. 331.

⁽²⁾ OJ C 272 E, 13.11.2003, p. 471.

⁽³⁾ OJ C 193 E, 17.8.2006, p. 322.

⁽⁴⁾ Texts adopted, P6_TA(2006)0349.

⁽⁵⁾ Texts adopted, P6_TA(2006)0222.

⁽⁶⁾ Texts adopted, P6_TA(2006)0223.

⁽⁷⁾ Texts adopted, P6_TA(2006)0224.

Thursday 11 March 2010

- having regard to the statement by the Commission on the major natural disaster in the autonomous region of Madeira of 24 February 2010,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas a major natural disaster took place on 20 February 2010 in Madeira, with excessive and unprecedented rainfall, strong winds and very high waves causing the deaths of at least 42 people in Madeira, with several people missing, hundreds of people displaced and dozens of people wounded,
- B. whereas, on 27 and 28 February 2010, a massive, highly destructive storm called Xynthia hit western France, in particular the regions of Poitou-Charentes, Pays-de-la-Loire and Brittany, causing the deaths of almost 60 people, with several people missing and thousands left homeless,
- C. whereas a number of meteorological phenomena, especially the storm 'Xynthia', have also hit different regions in Spain, particularly the Canary Islands and the region of Andalucía, as well as Belgium, Germany, the Netherlands and Portugal, and have caused several deaths and serious material damage,
- D. whereas the disaster caused great human suffering to the families of the victims and to the affected population,
- E. whereas the disaster caused destruction on a large scale, with considerable damage to public infrastructure – including roads, harbours, water supply, electricity, sanitation and telecommunications – as well to private buildings, commercial establishments, industry and agricultural land, and also damaged the natural and cultural patrimony; whereas in particular the damage to the water supply and sanitation may become a public-health threat,
- F. whereas the disaster is currently preventing people from resuming their normal lives and is likely to have a long-term economic and social impact,
- G. whereas there is a need to clean up and reconstruct the disaster-stricken areas as well as to recover their productive potential and to compensate for the social costs inflicted by the disaster,
- H. whereas it has become clear in recent years that problems with floods, storms and other extreme weather phenomena are likely to be increasingly frequent; whereas investment in mitigating climate change is also important in order to prevent catastrophes,
- I. whereas natural disasters have damaging economic and social consequences for regional economies, productive activity, aquaculture, tourism, the environment and biodiversity,
1. Expresses its deepest sympathy and solidarity with the affected regions, regrets the serious economic consequences of these natural disasters and sends in particular its condolences to the families of the victims;
 2. Pays tribute to the search and rescue teams that have worked uninterruptedly to save people and limit the human and material damage;
 3. Calls on the Commission and the Member States to support those affected by the economic and social consequences of the disaster;

Thursday 11 March 2010

4. Considers that the national, regional and local authorities should focus on effective prevention policies and pay more attention to adequate legislation and practices relating to reforestation programmes, land use, water management and efficient risk management, with respect, inter alia, to urban sea-front construction and the building of dykes, and in the areas of agriculture and forestry;
 5. Calls on the Commission, as soon as the governments of the countries concerned submit their respective requests, promptly to take all the action necessary to mobilise the European Union Solidarity Fund in the most urgent and flexible way and to the greatest possible extent;
 6. Calls on the Commission to take into account the specific nature of the individual regions affected, in particular the fragility of insular and outermost regions, with the aim of helping the victims of this disaster in the best possible way;
 7. Urges the Commission, in addition to mobilising the European Union Solidarity Fund, to be available and flexible as regards negotiating with the relevant authorities a revision of the Regional Operational Programmes Intervir + (ERDF) and Rumos (ESF) and their French equivalents, as well as the section on Madeira of the Thematic Operational Programme for Territorial Enhancement, financed by the Cohesion Fund; calls on the Commission to proceed with the revision as soon as possible and to analyse the possibility of increasing the community cofinancing rate in 2010 for specific projects within the respective Operational Programmes, in conformity with the rules and ceilings set out in the General Regulation on Structural Funds 2007-2013 (Council Regulation (EC) No 1083/2006) and without calling into question the annual financial envelope allocated to the Member States in question;
 8. Reiterates that a new EUSF Regulation, based on a Commission proposal (COM(2005)0108), is imperative in order to address the problems caused by natural disasters in a more flexible and effective way; criticises the fact that the Council has blocked the dossier, in spite of the fact that Parliament adopted its position by an overwhelming majority at first reading in May 2006; urges the Spanish Presidency and the Commission to seek a solution without delay in order to reactivate the revision of this Regulation, with a view to creating a stronger and more flexible instrument which will be able to respond effectively to the new challenges of climate change;
 9. Calls on the Member States and the regions affected to set up sustainable restoration and rehabilitation plans for the affected areas; calls upon the Member States to consider the need for long-term investment in policies to prevent such disasters and limit their damage;
 10. Calls on the Member States to adapt to the consequences of climate change by complying with existing legislation through an integrated approach in all areas concerned;
 11. Insists on the need to translate the recommendations of the White Paper on adapting to climate change into concrete measures and to take steps to ensure that adapting to climate change becomes a reality within the European Union;
 12. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States and the Government of the Autonomous Region of Madeira.
-

Thursday 11 March 2010

The case of Gilad Shalit

P7_TA(2010)0066

European Parliament resolution of 11 March 2010 on Gilad Shalit

(2010/C 349 E/18)

The European Parliament,

- having regard to the Third 1949 Geneva Convention and to Common Article 3 of the 1949 Geneva Conventions,
 - having regard to the 1979 International Convention Against the Taking of Hostages,
 - having regard to the Declaration by the Presidency of 18 November 2009, on behalf of the European Union, on the humanitarian situation in Gaza, which '[calls] on those holding the abducted Israeli soldier Gilad Shalit to release him without delay',
 - having regard to US Congress Resolution 921 of 18 July 2006,
 - having regard to its previous resolutions on the situation in the Middle East which have included a call for the release of Gilad Shalit,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas Corporal (now Sergeant) Gilad Shalit was kidnapped by Hamas on Israeli soil on 25 June 2006,
- B. whereas Sergeant Shalit is a European (French) and an Israeli citizen,
- C. whereas, since being taken hostage, Sergeant Shalit has been held incommunicado in Gaza and deprived of basic rights in accordance with Common Article 3 of the 1949 Geneva Conventions and the Third 1949 Geneva Convention,
- D. whereas Hamas has claimed responsibility for Sergeant Shalit's continuing detention and has declared that he is being held in accordance with the Third 1949 Geneva Convention,
- E. whereas international humanitarian law and international human rights law must be respected by all parties to the Middle East conflict and in all circumstances,
- F. whereas trust-building between Israelis and Palestinians is an essential part of a peace process leading to a situation where two states can live side by side in peace and security,
- G. whereas a video, received in October 2009, showing the captured soldier holding a Gaza newspaper dated Monday, 14 September 2009, is the most conclusive proof that Sergeant Shalit is alive,
1. Calls for the immediate release of Sergeant Gilad Shalit;
 2. Calls upon Hamas to be as good as its word and grant Sergeant Shalit rights and privileges in accordance with the Third 1949 Geneva Convention;

Thursday 11 March 2010

3. Deplores the continued disregard for Sergeant Shalit's basic human rights and the fact that his family and the Israeli and French authorities have been prevented from obtaining information regarding his well-being; therefore urges Hamas to allow the International Committee of the Red Cross to visit Sergeant Shalit without delay, and to permit him to communicate with his family in accordance with the Third 1949 Geneva Convention;
 4. Stresses the importance of progress towards a two-state solution and welcomes the relaunching of proximity negotiations between Israel and the Palestinian Authority;
 5. Stresses that mutual trust-building measures by all sides, including a significant release of Palestinian prisoners, may help to create a constructive atmosphere leading to the release of Sergeant Shalit;
 6. Instructs its President to forward this resolution to the Council and the Commission, the Member States, the Vice-President of the Commission/ High Representative of the Union for Foreign Affairs and Security Policy, the Israeli Government, the Palestinian Authority and the Euro-Mediterranean Parliamentary Assembly.
-

The escalation of violence in Mexico

P7_TA(2010)0067

European Parliament resolution of 11 March 2010 on the escalation of violence in Mexico

(2010/C 349 E/19)

The European Parliament,

- having regard to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Union and the United Mexican States,
- having regard to its Recommendation to the Council of 12 March 2009 on an EU-Mexico Strategic Partnership,
- having regard to the Commission Communication to the Council and the European Parliament of 15 July 2008 entitled 'Towards an EU-Mexico Strategic Partnership' (COM(2008)0447),
- having regard to the Commission Communication to the Council and the European Parliament of 30 September 2009 entitled 'The European Union and Latin America: Global Players in Partnership' (COM(2009)0495),
- 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 the phenomenon,
- having regard to the EU statement on the murders of journalists José Luis Romero, Valentín Valdés Espinosa and Jorge Ochoa Martínez,
- having regard to the declarations of the five summits of heads of state and government of the European Union, Latin America and the Caribbean (EU-LAC), held in Rio de Janeiro (28 and 29 June 1999), Madrid (17 and 18 May 2002), Guadalajara (28 and 29 May 2004), Vienna (12 and 13 May 2006) and Lima (16 and 17 May 2008),

Thursday 11 March 2010

- having regard to the joint statement of 17 May 2008 by the Fourth Mexico-EU summit held in Lima,
 - having regard to the joint statement by the Ninth meeting of the EU-Mexico Joint Committee, held in Brussels in November 2009,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas Mexico and the European Union share common values that find expression in our democratic, pluralist societies, defending fundamental freedoms, human rights, environmental protection and sustainable development, and the commitment to consolidating democracy, legal certainty, fighting poverty and equitable economic and social development,
- B. whereas our democratic systems have a duty and obligation to safeguard the operation of the rule of law and respect for human rights, and whereas the enjoyment and full exercise of freedoms and the right to the integrity of the human person are thus one of the basic pillars of the rule of law,
- C. whereas the causes of violence and insecurity in Mexico cannot be disconnected from the structural problem of poverty, inequality and marginalisation, areas in which progress has been reversed since the emergence of the world economic crisis, and whereas there is a need for an integrated strategic vision of inclusive development, including in the long-term, in order to move forward with social cohesion,
- D. whereas the EU-Mexico Strategic Partnership will open the door to closer cooperation between the EU and Mexico on issues of global importance, and in particular enhanced dialogue, coordination and exchanges in areas such as security, human rights, electoral reform, regional development and regulatory and trade policies,
- E. whereas the Strategic Partnership will therefore include enhanced cooperation on human rights, as both sides have confirmed their willingness to cooperate closely towards the common goal of attaining the highest human rights standards,
- F. whereas Mexico participates in all the regional and universal fora and has signed all the international agreements on human rights and fundamental freedoms, obviously including combating violence against women; whereas, moreover, it promotes the law in favour of gender equality,
- G. whereas the EU-Mexico Cooperation Programme on Human Rights began operation in 2008 under the EU-Mexico Bilateral Cooperation Programme 2007-2013, and whereas it includes as a priority the prevention of violence against women and the promotion of women's rights, with a series of specific programmes in this respect,
- H. whereas establishment of the European Instrument for Democracy and Human Rights, which has as its priorities support for surmounting violence against women and children, encouraging compliance with human rights by members of the public security forces, support for overcoming discrimination and the incorporation of international standards on justice and human rights,
- I. whereas Mexico is suffering from an escalation of violence due mainly to drug trafficking particularly in the frontier region with the United States, as a result, primarily, of fighting between criminal gangs for control of the drug supply, in terms of both production and trafficking, to the enormous market represented by the United States, and secondly as the result of the impact of the Mexican Government's offensive to tackle this situation,
- J. whereas the plan launched by the Government on health, education and social cohesion and strengthening of the political strategy to recover Ciudad Juárez takes on great importance; whereas this plan, backed by 200 million euros, will help to remove the social causes of violence, so there is a need to redouble efforts to that end,

Thursday 11 March 2010

- K. whereas the Mexican Government has demonstrated its firm commitment to improving the security situation in the country, including an appreciable increase in the security forces' budget and reform of the public security institutions, with the aim of enhancing the effectiveness of law enforcement and the effectiveness of the legal system, thus making it possible to confront organised crime,
- L. whereas Mexico is one of the world's most dangerous places for journalists, according to data from the International Federation for Journalists, with at least 53 journalists murdered since 2000 – 13 of them in 2009 alone –, a fact also condemned in reports by the Mexico National Commission on Human Rights,
- M. whereas the harassment of and threats against members of organisations working for the defence and promotion of human rights are frequent, and whereas many of the preliminary investigations into attacks on and murders of defenders of human rights are affected by unjustified delays at state and federal level,
- N. whereas national and international organisations for the defence of human rights have condemned violations of those rights in certain operations by the security forces,
1. Shares the Mexican authorities' concern at the escalation of violence in the country, and stands shoulder-to-shoulder with the Mexican people in the fight against drug trafficking;
 2. Extends its sympathy and support to the families and friends of the victims, and to the Mexican people, whom it encourages to continue to fight to defend democracy and the rule of law;
 3. Supports the Mexican Government in its determination to combat organised drug trafficking, while voicing its deep concern at the increase in the violence due to drug trafficking and the lack of respect for any form of authority and sense of impunity displayed by the drugs cartels, in particular in the Mexican states lying close to the US border;
 4. Condemns all forms of violence, in particular the violence and persistent death threats to which activists engaged in promoting and defending human rights in Mexico are subjected, and calls for the Mexican authorities to step up efforts to provide legal and personal protection to such groups; calls, furthermore, on the EU to apply the guidelines on the protection of human rights defenders in an effective manner;
 5. Urges the Mexican authorities to continue their efforts to strengthen state institutions, particularly for the benefit of women, who are suffering most severely from the violence; considers that it is the government's responsibility to combat 'femicide' and ensure that the perpetrators of such crimes and their accomplices are brought to justice, and calls for effective action to continue to be taken with a view to preventing such crimes from being committed;
 6. Condemns, in this connection, the violence against and murders of media workers, and supports the relevant authorities in taking all necessary steps to identify, arrest and bring to justice the perpetrators of such crimes; welcomes the Mexican legislative authorities' adoption of legislative and institutional measures geared to upholding journalists' freedom of expression and ensuring their safety;
 7. Recommends, in this connection, that the Mexican Government continue with its efforts to consolidate the rule of law, with a view to tackling some of the structural problems that are at the root of the human rights violations, specifically with reference to reform of the judicial system; highlights, accordingly, the importance of an independent judiciary which stands as a guarantee of impartiality and resolute action to combat impunity;
 8. Calls on the governments of the Member States, in their bilateral relations with Mexico, and on the European institutions to step up the support they provide for human rights through cooperation programmes and financial and technical resources; calls on them also to increase the budgetary resources allocated to cooperation in strengthening and reforming the judiciary, law enforcement agencies and prosecution services, with a view to prosecuting and punishing offenders, and to set up effective systems for protecting witnesses and victims and their families,

Thursday 11 March 2010

9. Draws attention to the Mexican Government's cooperation in promoting an effective form of multilateralism and strengthening the UN's peace-keeping and peace-building capacity and its ability to ensure respect for human rights, while bringing international law to bear in addressing threats to peace and security such as drugs and arms trafficking, organised crime, terrorism and trafficking in human beings, in line with the Lima Declaration;

10. Urges that the Strategic Partnership be seen as an opportunity to discuss how to enhance the effectiveness of the human rights and democracy clause in all the agreements between the two parties and assess compliance with that clause, including through the development of its positive dimension, given that human rights and democracy are fundamental values;

11. Considers social integration to be one of the most important means of enabling young people to identify with the democratic system; considers frustration felt by young people to be one of the main factors behind the violence; believes, therefore, that EU cooperation on social cohesion needs to be stepped up; calls on the Mexican authorities to bring the necessary resources to bear in helping young people to take their place in society, and to adopt prevention, rehabilitation and social reintegration programmes for drug addicts;

12. Calls on the Commission and the Mexican Government to ensure that, during the mid-term review (2007-2013) of the Development Cooperation Instrument (DCI), security, better governance and stronger institutions are made a priority under focal sector 1 (Social Cohesion);

13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Member States, the Secretary-General of the Organisation of American States (OAS), the Eurolat Parliamentary Assembly and the President and Congress of Mexico.

South Korea - death penalty declared legal

P7_TA(2010)0068

European Parliament resolution of 11 March 2010 on the death penalty being declared legal in the Republic of Korea

(2010/C 349 E/20)

The European Parliament,

- having regard to its previous resolutions on the abolition of the death penalty and the need for an immediate moratorium on executions in those countries where the death penalty is still applied,
- having regard to United Nations General Assembly Resolution 62/149 of 18 December 2007 calling for a moratorium on the use of the death penalty (on the report of the Third Committee (A/62/439/Add.2)),
- having regard to the revised and updated version of the EU Guidelines on the Death Penalty, adopted by the Council on 3 June 1998,
- having regard to the final declaration adopted by the 4th World Congress against the Death Penalty, held in Geneva from 24 to 26 February 2010, which calls for universal abolition of the death penalty,
- having regard to Rule 122(5) of its Rules of Procedure,

A. whereas the European Union is strongly committed to the abolition of the death penalty and is striving to achieve universal acceptance of this principle,

Thursday 11 March 2010

- B. whereas, on 25 February 2010, the Constitutional Court of the Republic of Korea ruled by a 5-4 majority that capital punishment is constitutional, and whereas, however, the judges also underlined that the issue of whether to retain or abolish the death penalty should be debated in the National Assembly rather than in the course of constitutional proceedings,
 - C. whereas the Constitutional Court adopted its ruling by a vote of 5 in favour to 4 against, and whereas the 1996 ruling was adopted by 7 votes to 2,
 - D. whereas the Constitutional Court took its decision in response to a petition filed by a 72-year-old Korean man convicted of killing four tourists in 2007, who claimed that capital punishment infringed his constitutional guarantee of dignity,
 - E. whereas the Republic of Korea has more than 55 prisoners facing confirmed death sentences,
 - F. whereas the last execution in the Republic of Korea took place in December 1997; whereas, under the newly inaugurated President Kim Dae-jung, who had himself been sentenced to death in 1980 before being pardoned, capital punishment ceased to be applied, and whereas for the last 13 years the Republic of Korea has belonged to the group of nations that are 'abolitionist in practice',
 - G. whereas in 2006 the National Human Rights Commission proposed a draft law on abolition of the death penalty,
 - H. whereas on 18 December 2007 the UN General Assembly adopted, by a large majority, a resolution asking countries that practise the death penalty to 'establish a moratorium on executions with a view to abolishing the death penalty', the content of which was reaffirmed in a second resolution adopted on 18 December 2008,
 - 1. Recognises that the Republic of Korea has not carried out any executions since 1998, making it a *de facto* abolitionist country; welcomes improvements in the protection and promotion of human rights there;
 - 2. Is deeply disappointed at the decision by the Republic of Korea's Constitutional Court to uphold the death penalty, but notes that the ruling was adopted by a very small majority, unlike the 7-2 verdict in 1996;
 - 3. Expresses its support for movements fighting for the abolition of the death penalty in the Republic of Korea;
 - 4. Reiterates its general opposition to the death penalty, which is at odds with a modern criminal justice system and, contrary to popular belief, does not reduce crime rates;
 - 5. Encourages the Republic of Korea to institute a legal moratorium on all executions until Parliament has passed a law abolishing the death penalty;
 - 6. Calls on the Government of the Republic of Korea to support the UN resolution on the abolition of the death penalty, and to decide to co-sponsor or vote in favour of a resolution to be submitted to the General Assembly;
 - 7. Notes with satisfaction that a clear majority of the world's countries – representing more than two-thirds of the international community – have now completely abolished capital punishment *de jure* or instituted *de facto* moratoria on executions;
 - 8. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign and Security Policy, the governments and parliaments of the Member States, the UN Secretary-General, the Government of the Republic of Korea and the National Human Rights Committee of Korea (NHRCK).
-

Tuesday 9 March 2010

III

(Preparatory acts)

EUROPEAN PARLIAMENT

The allocation of financial intermediation services indirectly measured (FISIM) for the establishment of the gross national income (GNI) *

P7_TA(2010)0041

European Parliament legislative resolution of 9 March 2010 on the proposal for a Council decision on the allocation of financial intermediation services indirectly measured (FISIM) for the establishment of the gross national income (GNI) used for the purposes of the European Union's budget and its own resources (COM(2009)0238 – C7-0049/2009 – 2009/0068(CNS))

(2010/C 349 E/21)

(Special legislative procedure – Consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2009)0238),
 - having regard to Article 2(7), second subparagraph, of Council Decision 2000/597/EC, Euratom of 29 September 2000 on the system of the European Communities' own resources ⁽¹⁾ and Article 2(7), second subparagraph, of Council Decision 2007/436/EC, Euratom of 7 June 2007 on the system of the European Communities' own resources ⁽²⁾,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgets (A7-0022/2010),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 293(2) of the Treaty on the Functioning of the European Union;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council, to the Commission and to the national parliaments.

⁽¹⁾ OJ L 253, 7.10.2000, p. 42.

⁽²⁾ OJ L 163, 23.6.2007, p. 17.

Tuesday 9 March 2010

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 1
Proposal for a decision
Article 2

Article 2*deleted*

The allocation of financial intermediation services indirectly measured pursuant to Article 1 shall apply for the purposes of Decision 2000/597/EC, Euratom from 1 January 2005 to 31 December 2006.

Amendment 2
Proposal for a decision
Article 3

The allocation of financial intermediation services indirectly measured pursuant to Article 1 shall apply for the purposes of Decision 2007/436/EC, Euratom from **1 January 2007**.

The allocation of financial intermediation services indirectly measured pursuant to Article 1 shall apply for the purposes of Decision 2007/436/EC, Euratom from **1 January 2010**.

Mobilisation of the European Globalisation Adjustment Fund: Germany – redundancies

P7_TA(2010)0042

European Parliament resolution of 9 March 2010 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (COM(2010)0007 – C7-0011/2010 – 2010/0005(BUD))

(2010/C 349 E/22)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0007 – C7-0011/2010),
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular point 28 thereof,
 - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾ (EGF Regulation),
 - having regard to the report of the Committee on Budgets and the opinion of the Committee on Employment and Social Affairs (A7-0020/2010),
- A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who suffer from the consequences of major structural changes in world trade patterns and to assist their reintegration into the labour market,

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

Tuesday 9 March 2010

- B. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard for the IIA of 17 May 2006 in respect of the adoption of decisions to mobilise the EGF,
- C. whereas Germany has requested assistance in respect of cases concerning redundancies in the automotive manufacturing industry which occurred in one enterprise - Karmann Group ⁽¹⁾,
- D. whereas the application fulfils the eligibility criteria set up by the EGF Regulation,
1. Requests the institutions involved to make the necessary efforts to accelerate the mobilisation of the EGF;
 2. Recalls the institutions' commitment to ensure a smooth and rapid procedure for the adoption of the decisions on the mobilisation of the EGF, providing one-off, time-limited individual support geared to helping workers who have suffered redundancies as a result of globalisation;
 3. Stresses that the European Union should use all its means to face the consequences of the global economic and financial crisis; emphasises the role that the EGF can play in the reintegration of the workers made redundant into the labour market;
 4. Stresses that, in accordance with Article 6 of the EGF Regulation, it should be ensured that the EGF supports the reintegration of the individual redundant workers into employment; reiterates that assistance from the EGF shall not replace actions which are the responsibility of companies by virtue of national law or collective agreements, nor measures restructuring companies or sectors;
 5. Calls on the Commission to include, in proposals for the mobilisation of the EGF, as well as in its annual reports, precise information on the complementary funding received from the European Social Fund (ESF) and other Structural Funds;
 6. Reminds the Commission, in the context of mobilising the EGF, not to systematically transfer payment appropriations from the ESF, since the EGF was created as a separate specific instrument with its own objectives and deadlines;
 7. Stresses that the functioning and the added value of the EGF should be evaluated in the context of the general assessment of the programmes and other various instruments created by the IIA of 17 May 2006, within the process of the 2007-2013 multiannual financial framework mid-term review;
 8. Notes that the new Commission's proposals for a decision on the mobilisation of the EGF refer to a sole Member State's application, which is in line with Parliament's requests;
 9. Approves the decision annexed to this resolution;
 10. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;
 11. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

⁽¹⁾ EGF/2009/013 DE/Karmann.

Tuesday 9 March 2010

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

having regard to the Treaty on the Functioning of the European Union,

having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,

having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support to redundant workers who suffer from the consequences of major structural changes in world trade patterns and to assist them with their reintegration into the labour market.
- (2) The scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis.
- (3) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.
- (4) Germany submitted an application to mobilise the EGF, in respect of redundancies in the automotive manufacturing sector, on 13 August 2009 and supplemented it by additional information up to 23 October 2009. This application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006, therefore the Commission proposes to deploy an amount of EUR 6 199 341.
- (5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Germany.

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2010, the European Globalisation Adjustment Fund (EGF) shall be mobilised to provide the sum of EUR 6 199 341 in commitment and payment appropriations.

Article 2

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

Done at

For the European Parliament
The President

For the Council
The President

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

Tuesday 9 March 2010

Mobilisation of the European Globalisation Adjustment Fund: Lithuania – redundancies

P7_TA(2010)0043

European Parliament resolution of 9 March 2010 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (COM(2010)0008 – C7-0012/2010 – 2010/0003(BUD))

(2010/C 349 E/23)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0008 – C7-0012/2010),
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular point 28 thereof,
 - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾ (EGF Regulation),
 - having regard to the report of the Committee on Budgets and the opinion of the Committee on Employment and Social Affairs (A7-0021/2010),
- A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who suffer from the consequences of major structural changes in world trade patterns and to assist their reintegration into the labour market,
- B. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard for the IIA of 17 May 2006 in respect of the adoption of decisions to mobilise the EGF,
- C. whereas Lithuania has requested assistance in respect of cases concerning redundancies in the refrigerator manufacturing sector which occurred in one enterprise – 'Snaigė' plc - and two of its suppliers ⁽³⁾,
- D. whereas the application fulfils the eligibility criteria set up by the EGF Regulation,
1. Requests the institutions involved to make the necessary efforts to accelerate the mobilisation of the EGF;
2. Recalls the institutions' commitment to ensure a smooth and rapid procedure for the adoption of the decisions on the mobilisation of the EGF, providing one-off, time-limited individual support geared to helping workers who have suffered redundancies as a result of globalisation;

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

⁽³⁾ EGF/2009/010 LT/Snaigė.

Tuesday 9 March 2010

3. Stresses that the European Union should use all its means to face the consequences of the global economic and financial crisis; emphasises the role that the EGF can play in the reintegration of the workers made redundant into the labour market;
4. Stresses that, in accordance with Article 6 of the EGF Regulation, it should be ensured that the EGF supports the reintegration of the individual redundant workers into employment; reiterates that assistance from the EGF shall not replace actions which are the responsibility of companies by virtue of national law or collective agreements, nor measures restructuring companies or sectors;
5. Calls on the Commission to include, in proposals for the mobilisation of the EGF, as well as in its annual reports, precise information on the complementary funding received from the European Social Fund (ESF) and other Structural Funds;
6. Reminds the Commission, in the context of mobilising the EGF, not to systematically transfer payment appropriations from the ESF, since the EGF was created as a separate specific instrument with its own objectives and deadlines;
7. Considers that the functioning and the funding of the EGF should be evaluated in the context of the general assessment of the programmes and other instruments created by the IIA of 17 May 2006 within the process of the 2007-2013 multiannual financial framework mid-term review;
8. Notes that the new Commission's proposals for a decision on the mobilisation of the EGF refer to a sole Member State's application, which is in line with Parliament's requests;
9. Approves the decision annexed to this resolution;
10. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;
11. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

having regard to the Treaty on the Functioning of the European Union,

having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

Tuesday 9 March 2010

having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support to redundant workers who suffer from the consequences of major structural changes in world trade patterns and to assist them with their reintegration into the labour market.
- (2) The scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a result of the global financial and economic crisis.
- (3) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.
- (4) Lithuania submitted an application to mobilise the EGF, in respect of redundancies in 'Snaigė' plc and two of its suppliers, on 23 July 2009. This application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006, therefore the Commission proposes to deploy an amount of EUR 258 163.
- (5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Lithuania.

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2010, the European Globalisation Adjustment Fund (EGF) shall be mobilised to provide the sum of EUR 258 163 in commitment and payment appropriations.

Article 2

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

Done at

For the European Parliament
The President

For the Council
The President

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

Tuesday 9 March 2010

Mobilisation of the European Globalisation Adjustment Fund: Lithuania - construction of buildings

P7_TA(2010)0044

European Parliament resolution of 9 March 2010 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (COM(2010)0009 – C7-0013/2010 – 2010/0002(BUD))

(2010/C 349 E/24)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0009 – C7-0013/2010),
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular point 28 thereof,
 - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾ (EGF Regulation),
 - having regard to the report of the Committee on Budgets and the opinion of the Committee on Employment and Social Affairs (A7-0019/2010),
- A. whereas the European Union has set up the appropriate legislative and budgetary instruments to provide additional support to workers who suffer from the consequences of major structural changes in world trade patterns and to assist their reintegration into the labour market,
- B. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard for the IIA of 17 May 2006 in respect of the adoption of decisions to mobilise the EGF,
- C. whereas Lithuania has requested assistance from the EGF in respect of cases concerning redundancies in 128 enterprises operating in the construction sector ⁽³⁾,
- D. whereas the application fulfils the eligibility criteria set up by the EGF Regulation,
1. Requests the institutions involved to make the necessary efforts to accelerate the mobilisation of the EGF;
2. Recalls the institutions' commitment to ensure a smooth and rapid procedure for the adoption of the decisions on the mobilisation of the EGF, providing one-off, time-limited individual support geared to helping workers who have suffered redundancies as a result of globalisation;

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

⁽³⁾ EGF/2009/017 LT/Construction of buildings.

Tuesday 9 March 2010

3. Stresses that the European Union should use all its means to face the consequences of the global economic and financial crisis; emphasises the role that the EGF can play in the reintegration of the workers made redundant into the labour market;
4. Stresses that, in accordance with Article 6 of the EGF Regulation, it should be ensured that the EGF supports the reintegration of the individual redundant workers into employment; reiterates that assistance from the EGF shall not replace actions which are the responsibility of companies by virtue of national law or collective agreements, nor measures restructuring companies or sectors;
5. Calls on the Commission to include, in proposals for the mobilisation of the EGF, as well as in its annual reports, precise information on the complementary funding received from the European Social Fund (ESF) and other Structural Funds;
6. Reminds the Commission, in the context of mobilising the EGF, not to systematically transfer payment appropriations from the ESF, since the EGF was created as a separate specific instrument with its own objectives and deadlines;
7. Considers that the functioning and the funding of the EGF should be evaluated in the context of the general assessment of the programmes and other instruments created by the IIA of 17 May 2006 within the process of the 2007-2013 multiannual financial framework mid-term review;
8. Notes that the new Commission's proposals for a decision on the mobilisation of the EGF refer to a sole Member State's application, which is in line with Parliament's requests;
9. Approves the decision annexed to this resolution;
10. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;
11. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

having regard to the Treaty on the Functioning of the European Union,

having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

Tuesday 9 March 2010

having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support to redundant workers who suffer from the consequences of major structural changes in world trade patterns and to assist them with their reintegration into the labour market.
- (2) The scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a result of the global financial and economic crisis.
- (3) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.
- (4) Lithuania submitted an application to mobilise the EGF, in respect of redundancies in the construction industry, on 23 September 2009. This application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006, therefore the Commission proposes to deploy an amount of EUR 1 118 893.
- (5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Lithuania.

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2010, the European Globalisation Adjustment Fund (EGF) shall be mobilised to provide the sum of EUR 1 118 893 in commitment and payment appropriations.

Article 2

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

Done at

For the European Parliament
The President

For the Council
The President

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

Tuesday 9 March 2010

Additional Protocol to the Cooperation Agreement for the Protection of the Coasts and Waters of the North-East Atlantic against Pollution ***

P7_TA(2010)0045

European Parliament legislative resolution of 9 March 2010 on the proposal for a Council decision concerning the conclusion, on behalf of the European Community, of the Additional Protocol to the Cooperation Agreement for the Protection of the Coasts and Waters of the North-East Atlantic against Pollution (COM(2009)0436 – C7-0163/2009 – 2009/0120(NLE))

(2010/C 349 E/25)

(Consent)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2009)0436),
 - having regard to Articles 175(1) and 300(2), first subparagraph, as well as to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0163/2009),
 - having regard to the Communication from the Commission to the European Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures' (COM(2009)0665),
 - having regard to Articles 196(2) and 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union,
 - having regard to Rules 81 and 90(8) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on the Environment, Public Health and Food Safety (A7-0009/2010),
1. Gives its consent to the conclusion of the Additional Protocol;
 2. Instructs its President to forward its position to the Council and the Commission.

Animal health requirements applicable to the non-commercial movement of pet animals *I**

P7_TA(2010)0048

European Parliament legislative resolution of 9 March 2010 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals (COM(2009)0268 – C7-0035/2009 – 2009/0077(COD))

(2010/C 349 E/26)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2009)0268),

Tuesday 9 March 2010

- having regard to Article 251(2) and Articles 37 and 152(4)(b) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0035/2009),
 - having regard to the Communication from the Commission to the European Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures' (COM(2009)0665),
 - having regard to Article 294(3) and Articles 43(2) and 168(4)(b) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of 6 October 2009 of the European Economic and Social Committee ⁽¹⁾,
 - after consulting the Committee of Regions,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A7-0082/2009),
1. Adopts the position at first reading hereinafter set out;
 2. Approves the statement of the European Parliament, the Council and the Commission and draws attention to the Commission statements annexed hereto, which will be published in the *Official Journal of the European Union* together with the final legislative act;
 3. 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;
 4. Instructs its President to forward its position to the Council, to the Commission and to the national parliaments.

⁽¹⁾ OJ C 318, 23.12.2009, p. 121.

P7_TC1-COD(2009)0077

Position of the European Parliament adopted at first reading on 9 March 2010 with a view to the adoption of Regulation (EU) No .../2010 of the European Parliament and of the Council amending Regulation (EC) No 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 438/2010.)

Tuesday 9 March 2010

ANNEX

Statement by the Commission

The Commission has the intention to propose a revision of Regulation (EC) No 998/2003 in its entirety before 30 June 2011, and, in particular, the aspects of delegated and implementing acts.

Statement of the European Parliament, the Council and the Commission on Article 290 of the Treaty on the Functioning of the European Union (TFEU)

The European Parliament, Council and Commission declare that the provisions of this Regulation shall be without prejudice to any future position of the institutions as regards the implementation of Article 290 TFEU or individual legislative acts containing such provisions.

Statement by the Commission concerning the notification of delegated acts

The European Commission takes note that, except in cases where the legislative act provides for an urgency procedure, the European Parliament and the Council consider that the notification of delegated acts shall take into account the periods of recess of the institutions (winter, summer and European elections), in order to ensure that the European Parliament and the Council are able to exercise their prerogatives within the time limits laid down in the relevant legislative acts, and is ready to act accordingly.

Movement of persons with a long-stay visa *I**

P7_TA(2010)0049

European Parliament legislative resolution of 9 March 2010 on the proposal for a regulation of the European Parliament and of the Council amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa (COM(2009)0091 – C6-0076/2009 – 2009/0028(COD))

(2010/C 349 E/27)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2009)0091),
- having regard to Article 251(2) and Article 62(2)(a) and (3) of the EC Treaty, pursuant to which the Commission submitted that proposal to Parliament (C6-0076/2009),
- having regard to the Commission proposal to the Council (COM(2009)0090),
- having regard to Article 67 and Article 63, first paragraph, point (3)(a) of the EC Treaty pursuant to which the Council consulted Parliament in relation to that proposal (C6-0107/2009),
- having regard to the Communication from the Commission to the European Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing inter-institutional decision-making procedures' (COM(2009)0665),
- having regard to Article 294(3), Article 77(2)(b) and (c) and Article 79(2)(a) of the Treaty on the Functioning of the EU,
- having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,

Tuesday 9 March 2010

- having regard to the undertaking given by the Council representative by letter of 24 February 2010 to approve the European Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the EU,
 - having regard to Rules 55 and 37 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Legal Affairs (A7-0015/2010),
1. Adopts its position at first reading hereinafter set out;
 2. Considers procedure 2009/0025(COD) to have lapsed as a result of the incorporation into procedure 2009/0028(COD) of the contents of the Commission proposal (COM(2009)0090) and of the draft reports in relation thereto;
 3. Approves the joint declaration by Parliament and the Council annexed to this resolution;
 4. 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;
 5. Instructs its President to forward its position to the Council, to the Commission and to the national parliaments.

P7_TC1-COD(2009)0028

Position of the European Parliament adopted at first reading on 9 March 2010 with a view to the adoption of Regulation (EU) No .../2010 of the European Parliament and of the Council amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 265/2010.)

ANNEX

DECLARATION OF THE EUROPEAN PARLIAMENT AND THE COUNCIL

The Council and the European Parliament recognise the importance of the existence of a comprehensive and coherent set of rules, at the level of the European Union, providing for a high level of protection of personal data in the framework of the second generation Schengen Information System (SIS II).

If there would be further, important delays in implementing the SIS II, that will go beyond 2012, the European Parliament and the Council invite the Commission to present the necessary legislative proposals amending the relevant provisions of the Convention Implementing the Schengen Agreement in order to ensure a level of protection of the personal data entered into the Schengen Information System equivalent to the standards established for SIS II.

Wednesday 10 March 2010

Annual accounts of certain types of companies as regards micro-entities *I**

P7_TA(2010)0052

European Parliament legislative resolution of 10 March 2010 on the proposal for a directive of the European Parliament and of the Council amending Council Directive 78/660/EEC on the annual accounts of certain types of companies as regards micro-entities (COM(2009)0083 – C6-0074/2009 – 2009/0035(COD))

(2010/C 349 E/28)

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2009)0083),
 - having regard to Article 251(2) and Article 44(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0074/2009),
 - having regard to the Communication from the Commission to the European Parliament and the Council entitled 'Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures' (COM(2009)0665),
 - having regard to Article 294(3) and Article 50(1) of the Treaty on the Functioning of the EU,
 - having regard to the opinion of the European Economic and Social Committee of 15 July 2009 ⁽¹⁾,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on Economic and Monetary Affairs (A7-0011/2010),
1. Adopts the position at first reading hereinafter set out;
 2. Calls for a general revision of the 4th and 7th Company Law Directives in 2010;
 3. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 4. Instructs its President to forward its position to the Council, to the Commission and to the national parliaments.

⁽¹⁾ OJ C 317, 23.12.2009, p. 67.

Wednesday 10 March 2010

P7_TC1-COD(2009)0035

Position of the European Parliament adopted at first reading on 10 March 2010 with a view to the adoption of Directive 2010/.../EU of the European Parliament and of the Council amending Council Directive 78/660/EEC on the annual accounts of certain types of companies as regards micro-entities

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

- Having regard to the Treaty on the Functioning of the European Union, and in particular Article 50(1) thereof,
- Having regard to the proposal from the European Commission,
- Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,
- Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) The European Council of 8 and 9 March 2007 underlined in its conclusions that reducing administrative burden is important for boosting Europe's economy and that a strong joint effort to reduce administrative burdens within the EU is necessary.
- (2) Accounting has been identified as one of the key areas for reducing administrative burdens for companies within the Union.
- (3) In its Communication on a simplified business environment for companies in the areas of company law, accounting and auditing the Commission identified possible amendments 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 ⁽³⁾, including an option for Member States to exempt micro-entities from the obligation to draw up annual accounts in accordance with that Directive.
- (4) Commission Recommendation 2003/361/EC ⁽⁴⁾ defines micro, small and medium-sized enterprises. However, consultations with Member States have indicated that the thresholds for micro-enterprises laid down in that Recommendation may be too high for accounting purposes. Therefore, a sub-group of micro-enterprises, so-called micro-entities, should be introduced to cover companies with lower thresholds for balance sheet total and net turnover than the thresholds set up for micro-enterprises.
- (5) Micro-entities are in most cases engaged in business at local or regional level with no, or limited, cross-border activity and have limited resources with which to comply with demanding regulatory requirements. In addition, micro-entities are important for creating new jobs, fostering research and development and creating new economic activities.
- (6) Micro-entities are however often subject to the same reporting rules as larger companies. Those rules place a burden on them which is not in proportion to their size and is therefore disproportionate for the smallest enterprises as compared to larger ones. Therefore, it should be possible to exempt micro-entities from the obligation to draw up annual accounts, even if such accounts provide an input for statistical information. **However, micro-entities must still be subject to the obligation to keep records showing the company's business transactions and financial situation as a minimum standard to which Member States remain free to add further obligations.**

⁽¹⁾ OJ C 317, 23.12.2009, p. 67.

⁽²⁾ Position of the European Parliament of 10 March 2010.

⁽³⁾ OJ L 222, 14.8.1978, p. 11.

⁽⁴⁾ OJ L 124, 20.5.2003, p. 36.

Wednesday 10 March 2010

- (7) The High Level Group of Independent Stakeholders on Administrative Burdens called in its opinion of 10 July 2008 for rapid enactment of an option enabling Member States to exempt micro-entities from the obligation to draw up annual accounts pursuant to Directive 78/660/EEC.
- (8) In its resolution of 18 December 2008 on accounting requirements as regards small and medium-sized companies, particularly micro-entities ⁽¹⁾, the European Parliament called on the Commission to present a legislative proposal that would allow Member States to exempt micro-entities from the scope of Directive 78/660/EEC.
- (9) ***Given that the threshold values set in this Directive will apply to numbers of businesses which will vary greatly from one Member State to another, and given that the activities of micro-entities have no bearing on cross-border trade or the functioning of the internal market, the Member States should take into account the differing impact of those values when implementing this Directive at national level.***
- (10) ***Whilst it is imperative to ensure transparency also for micro-entities, in order to ensure that they are open and have access to the financial markets, Member States should take into account the specific conditions and needs of their own market when implementing Directive 78/660/EEC.***
- (11) Since the objective of this Directive, namely to reduce the administrative burden for micro-entities, cannot be sufficiently achieved by the Member States, and can therefore by reason of its effect be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (12) Directive 78/660/EEC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendment to Directive 78/660/EEC

In Directive 78/660/EEC the following Article is inserted:

'Article 1a

1. ***Whilst maintaining the obligation to keep records showing the company's business transactions and financial situation***, Member States may provide for an exemption from the obligations under this Directive for companies which on their balance-sheet dates do not exceed the limits of two of the three following criteria:

- (a) balance sheet total: EUR 500 000;
- (b) net turnover: EUR 1 000 000;
- (c) average number of employees during the financial year: 10.

2. Where on its balance-sheet date a company exceeds the limits of two of the three criteria set out in paragraph 1 in two consecutive financial years, that company may no longer benefit from the exemption referred to in that paragraph.

⁽¹⁾ OJ C 45 E, 23.2.2010, p. 58.

Wednesday 10 March 2010

Where on its balance-sheet date a company has ceased to exceed the limits of two of the three criteria set out in paragraph 1, it may benefit from the exemption referred to in that paragraph, provided that it has not exceeded those limits in two consecutive financial years.

3. In the case of those Member States which have not adopted the euro, the amount in national currency equivalent to the amounts specified in paragraph 1 shall be that obtained by applying the exchange rate published in the *Official Journal of the European Union* on the date of the entry into force of any Directive setting those amounts.

4. The balance-sheet total referred to in point (a) of paragraph 1 shall consist either of the assets referred to in points A to E under "Assets" in Article 9 or the assets referred to in points A to E in Article 10.

Article 2

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive if and when they decide to make use of the option provided for in Article 1a of Directive 78/660/EEC, **taking account in particular of the situation at national level regarding the number of businesses covered under the threshold values laid down in that Article**. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

Entry into force

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

Article 4

Addressees

This Directive is addressed to the Member States.

Done at,

For the European Parliament
The President

For the Council
The President

<u>Notice No</u>	Contents (continued)	Page
2010/C 349 E/18	The case of Gilad Shalit European Parliament resolution of 11 March 2010 on Gilad Shalit	91
2010/C 349 E/19	The escalation of violence in Mexico European Parliament resolution of 11 March 2010 on the escalation of violence in Mexico	92
2010/C 349 E/20	South Korea - death penalty declared legal European Parliament resolution of 11 March 2010 on the death penalty being declared legal in the Republic of Korea	95

III *Preparatory acts*

European Parliament

Tuesday 9 March 2010

2010/C 349 E/21	The allocation of financial intermediation services indirectly measured (FISIM) for the establishment of the gross national income (GNI) * European Parliament legislative resolution of 9 March 2010 on the proposal for a Council decision on the allocation of financial intermediation services indirectly measured (FISIM) for the establishment of the gross national income (GNI) used for the purposes of the European Union's budget and its own resources (COM(2009)0238 – C7-0049/2009 – 2009/0068(CNS))	97
2010/C 349 E/22	Mobilisation of the European Globalisation Adjustment Fund: Germany – redundancies European Parliament resolution of 9 March 2010 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (COM(2010)0007 – C7-0011/2010 – 2010/0005(BUD))	98
	ANNEX	100
2010/C 349 E/23	Mobilisation of the European Globalisation Adjustment Fund: Lithuania – redundancies European Parliament resolution of 9 March 2010 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (COM(2010)0008 – C7-0012/2010 – 2010/0003(BUD))	101
	ANNEX	102
2010/C 349 E/24	Mobilisation of the European Globalisation Adjustment Fund: Lithuania - construction of buildings European Parliament resolution of 9 March 2010 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (COM(2010)0009 – C7-0013/2010 – 2010/0002(BUD))	104
	ANNEX	105



2010/C 349 E/25	Additional Protocol to the Cooperation Agreement for the Protection of the Coasts and Waters of the North-East Atlantic against Pollution *** European Parliament legislative resolution of 9 March 2010 on the proposal for a Council decision concerning the conclusion, on behalf of the European Community, of the Additional Protocol to the Cooperation Agreement for the Protection of the Coasts and Waters of the North-East Atlantic against Pollution (COM(2009)0436 – C7-0163/2009 – 2009/0120(NLE))	107
2010/C 349 E/26	Animal health requirements applicable to the non-commercial movement of pet animals ***I European Parliament legislative resolution of 9 March 2010 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals (COM(2009)0268 – C7-0035/2009 – 2009/0077(COD))	107
	P7_TC1-COD(2009)0077 Position of the European Parliament adopted at first reading on 9 March 2010 with a view to the adoption of Regulation (EU) No .../2010 of the European Parliament and of the Council amending Regulation (EC) No 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals	108
	ANNEX	109
2010/C 349 E/27	Movement of persons with a long-stay visa ***I European Parliament legislative resolution of 9 March 2010 on the proposal for a regulation of the European Parliament and of the Council amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa (COM(2009)0091 – C6-0076/2009 – 2009/0028(COD))	109
	P7_TC1-COD(2009)0028 Position of the European Parliament adopted at first reading on 9 March 2010 with a view to the adoption of Regulation (EU) No .../2010 of the European Parliament and of the Council amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa	110
	ANNEX	110
Wednesday 10 March 2010		
2010/C 349 E/28	Annual accounts of certain types of companies as regards micro-entities ***I European Parliament legislative resolution of 10 March 2010 on the proposal for a directive of the European Parliament and of the Council amending Council Directive 78/660/EEC on the annual accounts of certain types of companies as regards micro-entities (COM(2009)0083 – C6-0074/2009 – 2009/0035(COD))	111
	P7_TC1-COD(2009)0035 Position of the European Parliament adopted at first reading on 10 March 2010 with a view to the adoption of Directive 2010/.../EU of the European Parliament and of the Council amending Council Directive 78/660/EEC on the annual accounts of certain types of companies as regards micro-entities	112

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 *||*.

2010 SUBSCRIPTION PRICES (excluding VAT, including normal transport charges)

EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 1 100 per year
EU Official Journal, L + C series, paper + annual CD-ROM	22 official EU languages	EUR 1 200 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 770 per year
EU Official Journal, L + C series, monthly CD-ROM (cumulative)	22 official EU languages	EUR 400 per year
Supplement to the Official Journal (S series), tendering procedures for public contracts, CD-ROM, two editions per week	multilingual: 23 official EU languages	EUR 300 per year
EU Official Journal, C series — recruitment competitions	Language(s) according to competition(s)	EUR 50 per year

Subscriptions to the *Official Journal of the European Union*, which is published in the official languages of the European Union, are available for 22 language versions. The Official Journal comprises two series, L (Legislation) and C (Information and Notices).

A separate subscription must be taken out for each language version.

In accordance with Council Regulation (EC) No 920/2005, published in Official Journal L 156 of 18 June 2005, the institutions of the European Union are temporarily not bound by the obligation to draft all acts in Irish and publish them in that language. Irish editions of the Official Journal are therefore sold separately.

Subscriptions to the Supplement to the Official Journal (S Series — tendering procedures for public contracts) cover all 23 official language versions on a single multilingual CD-ROM.

On request, subscribers to the *Official Journal of the European Union* can receive the various Annexes to the Official Journal. Subscribers are informed of the publication of Annexes by notices inserted in the *Official Journal of the European Union*.

CD-Rom formats will be replaced by DVD formats during 2010.

Sales and subscriptions

Subscriptions to various priced periodicals, such as the subscription to the *Official Journal of the European Union*, are available from our commercial distributors. The list of commercial distributors is available at:

http://publications.europa.eu/others/agents/index_en.htm

EUR-Lex (<http://eur-lex.europa.eu>) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

For further information on the European Union, see: <http://europa.eu>



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN