

Official Journal

of the European Union

C 285 E



English edition

Information and Notices

Volume 53

21 October 2010

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European Parliament

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Wednesday 25 November 2009

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

Copenhagen Conference on Climate Change

P7_TA(2009)0089

European Parliament resolution of 25 November 2009 on the EU strategy for the Copenhagen Conference on Climate Change (COP 15)

(2010/C 285 E/01)

The European Parliament,

- having regard to the United Nations Framework Convention on Climate Change (UNFCCC) and to the Kyoto Protocol to the UNFCCC,

- having regard to the Bali Action Plan (Decision 1/COP 13),

- having regard to the forthcoming fifteenth Conference of the Parties (COP 15) to the UNFCCC and the fifth Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (COP/MOP 5) to be held in Copenhagen, Denmark, from 7 to 18 December 2009,

- having regard to the climate and energy package adopted by Parliament on 17 December 2008, in particular 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 ⁽¹⁾ and Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 ⁽²⁾,

- having regard to Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community ⁽³⁾,

⁽¹⁾ OJ L 140, 5.6.2009, p. 63.

⁽²⁾ OJ L 140, 5.6.2009, p. 136.

⁽³⁾ OJ L 8, 13.1.2009, p. 3.

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- having regard to the Commission Communication of 10 September 2009 entitled ‘Stepping up international climate finance: A European blueprint for the Copenhagen deal’ (COM(2009)0475),

 - having regard to its previous resolutions relating to climate change, and in particular those of 4 February 2009 on ‘2050: The future begins today – recommendations for the EU’s future integrated policy on climate change’⁽¹⁾ and of 11 March 2009 on ‘an EU strategy for a comprehensive climate change agreement in Copenhagen and the adequate provision of financing for climate change policy’⁽²⁾,

 - having regard to the joint statement of 20 December 2005 by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: ‘The European Consensus’⁽³⁾, and in particular points 22, 38, 75, 76 and 105 thereof,

 - having regard to the Conclusions of the European Council of 29-30 October 2009,

 - having regard to its resolution of 21 October 2008 entitled ‘Building a Global Climate Change Alliance (GCCA) between the European Union and poor developing countries most vulnerable to climate change’⁽⁴⁾,

 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas negotiations on a comprehensive international post-2012 agreement on climate change are due to be concluded in Copenhagen in December 2009; whereas that agreement should be legally binding and consistent with the latest scientific evidence, which indicates that climate change is happening faster and more aggressively than previously estimated, and with the objective of limiting the overall global annual mean surface temperature increase to 2 °C above pre-industrial levels (‘the 2 °C objective’),
- B. whereas in order to meet the 2 °C objective it is necessary for developed countries to take the lead in significantly reducing their emissions, and for developing countries also to contribute to the attainment of that objective,
- C. whereas developing countries have contributed least to climate change but are facing its severest consequences, and whereas climate change is placing 40 % of international poverty reduction investment at risk, thus threatening the efficacy and sustainability of development work; whereas there is a clear need for greater coordination, complementarity and coherence between climate change and development initiatives,
- D. whereas climate change may exacerbate the potential for conflicts over natural resources owing to shrinking arable land, growing water scarcity or deforestation, or due to climate-induced migration; whereas the potential impact on public health should also be taken into account,

⁽¹⁾ Texts adopted, P6_TA(2009)0042.

⁽²⁾ Texts adopted, P6_TA(2009)0121.

⁽³⁾ OJ C 46, 24.2.2006, p. 1.

⁽⁴⁾ Texts adopted, P6_TA(2008)0491.

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- E. whereas deforestation accounts for some 20 % of global greenhouse gas emissions, is a major driver of biodiversity loss and constitutes a serious threat to development and, in particular, to the livelihoods of the poor,
- F. whereas significantly increased financial resources are needed to enable the necessary mitigation and adaptation actions to be taken in developing countries, and therefore resources should be made available to tackle climate change with a commitment similar to the commitment that was needed to tackle the current financial crisis,
- G. whereas most of the money promised for climate change comes from Official Development Assistance (ODA) budgets, thus diverting funds from development assistance and posing a serious threat to poverty reduction and the attainment of the Millennium Development Goals (MDGs),
- H. whereas a binding international framework leading to emission reductions on the necessary scale will also produce large, immediate co-benefits for global health, and whereas without such a framework progress towards meeting the MDGs is at risk and could be reversed,
- I. whereas the EU is the only regional entity in the world to have accepted binding objectives for the achievement of greenhouse gas emissions reductions by adopting the above-mentioned climate and energy package consisting of legislative measures to implement a unilateral 20 % reduction in greenhouse gas emissions compared to 1990 levels by 2020, with the commitment to move to a 30 % reduction or more, in line with the latest developments in science, if a sufficiently ambitious and binding international agreement is reached in Copenhagen, which requires a similar effort from other developed countries and appropriate contributions from economically more advanced developing countries which are commensurate with their responsibility and abilities,
- J. whereas a global transformation in technology and technological cooperation is necessary to accelerate the pace of innovation and increase the scale of demonstration and deployment so that all countries have access to affordable sustainable technologies,
- K. whereas energy efficiency plays a crucial role in limiting CO₂ emissions, in particular the recent initiatives on the energy performance of buildings and energy labelling rules,
- L. whereas ambitious climate measures would contribute to solving the current economic crisis through job creation and increased economic activity, and whereas the International Energy Agency considers an ambitious agreement in Copenhagen to be necessary to channel investments delayed by the crisis to environmentally sustainable investments,
- M. whereas a number of third countries have taken measures to combat climate change, such as emission reduction targets,
- N. whereas a comprehensive agreement in Copenhagen is necessary in order to tackle carbon leakage and create a level playing field in the context of the move to a 30 % reduction in greenhouse gas emissions,
- O. whereas an effective reduction of greenhouse gas emissions requires a holistic approach which covers all emitting sectors of production and mobility and should be considered in the framework of the successful transition towards a sustainable economic model, which provides for environmental quality to go hand in hand with economic growth, wealth creation and technological advancement;

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Aim

1. Urges the EU to continue to develop an external climate policy and to speak with one voice to maintain its leading role in the negotiations at COP 15, and to maintain a high level of ambition in discussions with its international partners, in order to achieve an ambitious and legally binding international agreement in Copenhagen, in line with the latest developments in science and consistent with the 2 °C objective;
2. Emphasises that by the end of this year in Copenhagen, the Parties need to reach a legally binding agreement on industrialised-country mitigation targets and financing and to establish a formal process to achieve a legally binding comprehensive climate agreement in the first few months of 2010, coming into force on 1 January 2013;
3. Calls on the Heads of State or Government of all COP 15 members to give this matter the highest priority and to demonstrate political leadership and stresses the importance of those Heads of State or Government making themselves available to attend the high-level segment of COP 15 to avoid any possibility of an agreement involving significant and long-term national commitments failing to be secured because the negotiators present do not have the political mandate or authority required;
4. Stresses that, in order to secure continuing commitments after the Kyoto Protocol first commitment period expires, it is vital for the negotiations on a post-2012 agreement in Copenhagen to be concluded, and points out that further delays in global action might lead to a situation whereby future generations will no longer be able to control climate change;

Reduction commitments

5. Stresses that the international agreement should be based on the principle of a 'common but differentiated responsibility', with the industrialised countries taking the lead in reducing their domestic emissions; takes the view, however, given their economic weight, that China, India and Brazil should commit themselves to targets similar to those of the industrialised countries, whereas other emerging countries should, in accordance with the Bali Action Plan, take nationally appropriate mitigation actions in the context of sustainable development, supported and enabled, in a measurable, reportable and verifiable manner, by technology, financing and capacity-building from developed countries, having due regard, in technology transfers, to the protection of industrial property rights and to the special needs of the least developed countries;
6. Believes the Copenhagen agreement should bind the parties to mandatory reductions and provide for sanctions at international level for non-compliance, their form remaining to be defined;
7. Recalls that the international agreement should ensure collective reductions in greenhouse gas emissions in the developed countries at the high end of the 25-40 % range for 2020 compared to 1990 levels, as recommended by the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC 4AR), and that recent scientific data indicates that an emission reduction of at least 40 % is required; calls for those reductions to be domestic; recalls that a long-term reduction target should be set for the EU and the other developed countries of at least 80 % by 2050 compared to 1990 levels; recalls that global greenhouse gas emissions should start falling by 2015 at the latest; emphasises the need for the reduction targets agreed in the international agreement to be in line with the 2 °C objective and with the latest developments in science; calls, therefore, for regular reviews in the agreement every five years to make sure that the reduction targets are ambitious enough to meet the 2 °C objective and that those targets continue to be in line with the latest developments in science; calls for the establishment of a global carbon accounting mechanism;
8. Invites the EU to clarify under which conditions it would increase its reduction commitment, taking into account the fact that the latest scientific recommendations call for a commitment to a 40 % reduction in emissions;

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9. Calls for the inclusion of reporting requirements in the Copenhagen agreement under which Annex 1 Parties will have to establish action plans for achieving emission reductions in the period up to 2050 consistent with the 2 °C limit;

10. Recognises Japan's commitment to reduce its emissions by 25 % by 2020 and welcomes the positive signals from China; urges, in the light of these developments, the USA to make binding the goals set during the election campaign, thereby giving a strong signal of the resolve of the leading developed countries to take up the fight against climate change; stresses in this regard that it is also extremely important for India to make a contribution;

11. Welcomes the above-mentioned Commission Communication of 10 September 2009 as an important step in the discussion, and especially underlines the role of Parliament as a budgetary authority;

12. Recalls that the international agreement should also ensure that developing countries as a group limit the growth of their emissions to 15 to 30 % below 'business as usual' in order to ensure that the 2 °C objective is achieved;

13. Stresses that the Non-Annex-I countries cannot be treated as a block, because their capacities to invest in mitigation and adaptation of climate change, as well as their capacities to adjust to climate change, are not the same;

14. Calls on the EU to invite the members of the COP 15 to develop a common vision for the year 2050 and beyond;

15. Furthermore recalls its recommendation that certain principles adopted in the climate and energy package be used as a blueprint for the international agreement, in particular the binding linear pathway for developed country commitments, differentiation on the basis of verified emissions and gross domestic product (GDP), and a strengthened compliance regime with an annual abatement factor;

Financing

16. Emphasises that an agreement in Copenhagen could provide the necessary stimulus for a 'Sustainable New Deal' boosting sustainable social and economic growth, promoting environmentally sustainable technologies, renewable energy and energy efficiency, reducing energy consumption and securing new jobs and social cohesion in both developed and developing countries; notes also that due consideration needs to be given to the public health aspects of climate change; recalls the Stern Review on the Economics of Climate Change, which demonstrates clear economic incentives for the international community to act as soon as possible to tackle climate change; recognises that upfront investments by the public sector in a sustainable energy infrastructure, and in complementary research and development, will reduce the social costs of climate change;

17. Emphasises that the active participation of all countries in tackling the climate challenge will only come about if developing countries and emerging economies can maintain sustainable economic growth; calls, therefore, for more truly integrated policy responses to development and climate challenges;

18. Notes that climate change is a challenge to which there is no single political solution, but that the combination of existing opportunities and a dramatic increase in efficiency in all areas of the economy and society in developed and developing countries would contribute to resolving the problem of resources and distribution and pave the way for a third industrial revolution;

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19. Stresses that people in developing countries will be even worse affected by the consequences of climate change and that it is therefore also in the interests of those countries to contribute to the successful conclusion of a climate change convention;

20. Emphasises the responsibility of developed countries to provide sufficient, sustainable and predictable financial and technical support to the developing countries to allow them to commit themselves to the reduction of their greenhouse gas emissions, to adapt to the consequences of climate change and to reduce emissions from deforestation and forest degradation, as well as to enhance capacity-building in order to comply with obligations under the future international agreement on climate change;

21. Insists that such commitments to provide for the required predictable financial support for climate change mitigation and adaptation in the context of the UNFCCC must be new and additional to ODA and independent from annual budgetary procedures in the Member States; recalls that the resources should be distributed not as concessional loans, but as grants; recalls the already-existing commitments, aimed at achieving ODA levels of 0,7 % of GDP by 2015;

22. Stresses the need for 'fast-start' international public support in order to reach an ambitious Copenhagen agreement, and calls upon the EU to commit at least to the Commission's estimate of overall financing of EUR 5-7 billion annually for the period 2010-2012;

23. Recalls that the collective contribution by the EU towards developing countries' mitigation efforts and adaptation needs should not be less than EUR 30 000 million per annum by 2020, a figure that may increase as new knowledge is acquired concerning the severity of climate change and the scale of its costs;

24. Invites the international community to increase significantly its financial support for adaptation to and mitigation of climate change for developing countries by exploring other innovative financial mechanisms (for example debt-for-nature swaps);

25. Underlines that a substantial part of the revenues generated by the auctioning of certificates in the EU Emissions Trading Scheme (EU ETS), including auctioning for aviation and maritime transport, should be earmarked for enabling developing countries to fight and adapt to climate change; stresses, however, that more than 50 % of EU emissions are not covered by the EU ETS that started in 2005; recalls, therefore, that it is necessary to develop alternative strategies so that every part of the economy, not only industry, and especially all the Member States, bear the burden of reducing emissions and assume their responsibilities;

26. Emphasises that the upcoming EU budget review needs to focus on providing sufficient resources for measures for protection against, and adaptation to, climate change;

27. Recommends that the developed countries envisage earmarking a percentage of their GDP for the creation of a cooperation fund for the realisation of clean energy technologies, independently of existing development aid funds;

28. Supports Norway's proposal for Assigned Amount Units and the proposals from Denmark and Mexico;

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29. Calls for the governing structures established in relation to climate financing under the Copenhagen agreement to ensure equal representation of developed and developing countries; stresses, furthermore, that, in order to guarantee that financial transfers are being used in a sustainable manner, experience from development policy and established principles such as 'good governance' should be applied; points out that donor countries need to invest in increasing the 'absorptive capacity' in developing countries, so that the latter are able to use the resources effectively;

Cooperation with developing countries

30. Calls on the EU and its Member States to strengthen their existing climate partnerships with developing countries, and to enter into new partnerships where they do not currently exist, providing significantly increased financial support for technology development and transfer, agreement on intellectual property rights and institutional capacity-building, including for National Adaptation Programmes of Action (NAPAs) as important instruments for adaptation to climate change, promoting ownership;

31. Insists that the post-2012 international climate change agreement should take into account the existing development processes both at international and national levels; calls on the Commission and the Member States to build the necessary links between climate change and the MDGs by incorporating adaptation to and mitigation of climate change into projects and programmes aimed at achieving the MDGs and into all poverty reduction strategies;

32. Calls on the Commission and the Member States to increase substantially the budget for the GCCA and suggests that one source of funding could be obtained from the expected revenues from auctioning within the EU ETS; urges the Commission to ensure that the GCCA becomes a clearing house for adaptation funding in developing countries, thus avoiding the creation of new bilateral EU initiatives;

33. Considers that climate change causes displacement of people and therefore creates new forced migration which has to be adequately addressed by the international community; calls on the international community to identify and address the legal shortfalls that exist in respect of the protection of climate refugees, and to initiate a specific assistance and protection system;

34. Underlines the necessity for institutional accountability and trust to be ensured by establishing a fair representation of donor and recipient countries in the management body of adaptation funding institutions;

Energy and energy efficiency

35. Considers that the global transformation to an efficient sustainable economy is not only necessary to pre-empt dangerous climate change by reducing greenhouse gas emissions, but that it also has the potential to increase investment, employment, economic growth, competitiveness and to improve quality of life without compromising the objective of ensuring access to modern energy services for all; stresses, therefore, the urgent need to improve energy efficiency on a global scale and to increase the share of renewable energy resources;

36. Stresses that an international shift towards a low-carbon economy will consider nuclear energy as an important part of the energy mix in the medium term; points out, however, that the issue of safety and security of the nuclear fuel cycle must be addressed in an appropriate manner at international level in order to ensure the highest possible level of safety;

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37. Urges all governments, including those of the EU's Member States, and the EU, to stimulate energy efficiency; urges EU Member States to step up their ambition on the energy efficiency package, notably on the Energy Performance of Buildings Directive recast which is currently being discussed (COM(2008)0780), to enable a dynamic and cohesive agreement with the Council to be reached, thereby sending a strong message as to the EU's commitment in view of the Copenhagen agreement and facilitating the move to a 30 % reduction in greenhouse gas emissions;

38. Stresses that the large-scale use of fossil fuels in power generation is a major source of CO₂ emissions worldwide; acknowledges that in the medium term fossil fuels will continue to play an important role in energy supply; calls on the negotiating parties to attach high importance to the further development and use of sustainable, fuel-efficient and emission-reducing fossil fuel technologies for the production of electricity;

39. Considers that both emissions reduction targets and financing commitments need to be subject to a strengthened compliance regime, including an early warning mechanism and penalties, such as withdrawal of future Assigned Amount Units;

Adaptation

40. Stresses the historical responsibility of developed countries for irreversible climate change and recalls the obligation to assist developing countries and least developed countries in adapting to these changes;

41. Calls, therefore, on the EU and its Member States to assist developing countries in capacity building in order to adapt to climate change and to provide sufficient technological support for those countries most affected by a changing environment;

42. Recognises the importance of proactive adaptation to unavoidable climate change, in particular in the most vulnerable regions and groups within societies, and stresses the importance of awareness-raising as a means of addressing adaptation to climate change in the most effective way;

43. Stresses that the EU and its Member States must also enhance action to support the urgent implementation of adaptation actions within the EU in order to save resources for future international action;

Technological cooperation and research

44. Believes that a new approach to technology cooperation is needed to achieve the necessary acceleration in the pace of innovation and the scale of deployment to allow all countries access to affordable climate-friendly technologies, while respecting intellectual property rights concerns;

45. Considers that the Copenhagen agreement should provide for Technology Action Programmes for key adaptation and mitigation technologies to provide support throughout the entire technology chain with objectives such as to considerably increase financing for mitigation and adaptation-related research, development and demonstration (RD&D); in this context supports the Commission assessment that, globally, energy-related RD&D should at least double by 2012 and be increased to four times its current level by 2020;

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46. Urges developed countries to invest more in research on novel and advanced technologies for sustainable and energy-efficient production processes; considers it essential to improve funding for international cooperation on climate change within the Seventh Framework Programme (FP7);

A global carbon market

47. Emphasises that, although market solutions, including the development of a global carbon market, through 'cap and trade' mechanisms or taxation schemes in developed countries, are not the solution for developing countries in the near future, this must remain the long-term goal for all negotiations; calls on the EU and its partners in the world to find, in the immediate future, the most effective way of promoting links between the EU ETS and regional or federal trading schemes in the USA and elsewhere, which in turn would promise greater diversity of abatement options, improved market size and liquidity, and ultimately a more efficient allocation of resources;

48. Points out that a functioning global carbon market is essential for the EU economy in order to cope with the ambitious EU commitments to reduce greenhouse gas emissions by 2020; stresses the need for a comprehensive international post-2012 agreement stipulating comparable efforts to be made by other developed countries in order to overcome the risk of carbon leakage in particular, with a view to long-term greenhouse gas emissions reduction targets; emphasises in this regard the key role of close cooperation between the emerging economies and the developed economies;

49. Welcomes the Kyoto Protocol's Clean Development Mechanism (CDM) as a possible way to enable developing countries to participate in the carbon market and to provide them with modern and efficient technologies; underlines, however, that the use of offsets to meet emission reduction targets by developed countries cannot be counted as part of the responsibility of developing countries to mitigate their greenhouse gas emissions in an international agreement on climate change, and is not a substitute for financial and technological support to developing countries for their mitigation action;

50. Insists, furthermore, that stringent project quality standards must be part of future offsetting mechanisms, in order to prevent developed countries taking away the low-cost reduction options from developing countries, and to guarantee the high standard of such projects, with reliable, verifiable and real additional emission reductions that also support sustainable development in such countries;

51. Takes the view that CDM and Joint Implementation (JI) should be reformed, taking into account those project quality standards; endorses, moreover, the Commission's view that sectoral mechanisms for economically more advanced developing countries should be agreed for the period beyond 2012, thereby making them an effective tool for climate protection and sustainable development in developing countries;

52. Insists that the EU and its Member States need to fulfil mitigation commitments primarily within the EU and reminds all parties that the use of flexible mechanisms should be kept to a minimum;

Land use change, deforestation, forest and natural resources degradation

53. Considers that significant financial support, as well as technical and administrative assistance, must be provided to developing countries to halt gross tropical deforestation by 2020 at the latest, and that demonstration of commitment to this will be decisive in the international negotiations for a comprehensive global post-2012 climate agreement;

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54. Emphasises that conserving natural carbon sinks constitutes the most efficient and effective means of climate change mitigation and entails no known negative side-effects; takes the view, moreover, that the development of a comprehensive forestation policy is invaluable in tackling climate change;

55. Calls upon the EU to commit to financing international efforts to halt deforestation and promote global non-commercial afforestation;

56. Emphasises that the protection of forests is essential for successful global climate protection and urges the EU and the Member States to recognise the need to preserve forests and to integrate this aspect into an international agreement;

57. Supports the Commission's view that public funding is the most realistic tool with which to provide incentives for combating deforestation over the period 2013 to 2020; calls, furthermore, on the EU and its Member States to provide funding for the period 2010-2012 for early action in developing countries and supports the Commission's proposal to create a Global Forest Carbon Mechanism (GFCM) under the UNFCCC framework, based on a permanent-financing scheme; calls on Member States to support their commitment to halting global deforestation and forest and land degradation, as well as desertification, by earmarking a significant part of the auctioning revenues from the EU ETS to reduce deforestation and forest degradation in developing countries; calls on Member States to support the Commission's proposal to embrace the funding proposal made by Norway and to allocate part of future revenues from auctioning of Assigned Amount Units to the GFCM;

58. Stresses that the future GFCM must be linked to the decisions and contribute to the goals of the Convention on Biological Diversity, and that impacts on biodiversity must be explicitly considered by activities, rules and modalities under the UN programme 'Reducing Emissions from Deforestation and Degradation' (REDD); considers that the GFCM must first and foremost ensure that old-growth forests are protected; emphasises that industrial forestry activities which have low climate mitigation potential and may pose a threat to biodiversity must not be eligible for funding through the GFCM;

59. Emphasises that any future GFCM must respect the rights of indigenous peoples and local communities, including their right to collective property and to autonomous indigenous territories, and provide for their full and effective participation and decision-making power at all levels, including in the development and implementation of national REDD plans, and allocation or distribution of financing;

60. Calls on the EU to promote strong social and environmental standards for REDD; calls on the EU to advocate REDD mechanisms that go beyond the current project approach of CDM and that address underlying causes of deforestation, such as poor governance, poverty, corruption and lack of law enforcement, by supporting policy and institutional reform at local, regional and national levels;

61. Calls for the environmental effectiveness of Annex I emissions reduction targets to be the guiding principle as regards the EU approach to international accounting rules for forest management and LULUCF in general;

62. Highlights that practices followed in several sectors, including water management, ecosystem preservation, agricultural production, soil conditions, land use change, health, food security and disaster risk, have led to the causation and aggravation of climate change, but at the same time that those sectors have also suffered severe consequences due to the negative effects of climate change; considers that both of those dimensions should be included in the Copenhagen agreement along with targeted measures in order to secure a high degree of those sectors' mitigation and adaptation to climate change;

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International aviation and maritime transport

63. Recalls that aviation has a range of non-CO₂ impacts which roughly double its global warming potential; calls on the EU to ensure those impacts are accounted for in the Copenhagen agreement;

64. Insists that – in the light of the failure of the negotiations involving the International Civil Aviation Organisation (ICAO) and the International Maritime Organisation (IMO) – international aviation and shipping be incorporated into an agreement under the UNFCCC;

65. Urges that international agreements in the aviation and maritime sectors set the same binding targets as for other industry sectors; urges further that in a global framework at least 50 % of the allowances in this area be auctioned;

Civil society involvement

66. Stresses the great importance of local citizens receiving comprehensive information and consultation and taking part in decision-making processes, and particularly encourages urban centres, regions and conurbations to launch their own information campaigns, with government support, which might be linked to specific reduction targets;

67. Recognises, given the fact that by 2030 two thirds of humanity will live in urban centres, that cities, local and regional authorities have a crucial role in implementing practical climate actions; welcomes the commitment demonstrated by the World Mayors and Local Governments Climate Protection Agreement, and calls for the EU to promote the engagement of cities, local and regional authorities in the development and implementation of national climate change strategies, including Mitigation Action Plans and Adaptation Programmes of Action;

European Parliament Delegation

68. Believes that the EU delegation plays an important role in these negotiations on climate change, and therefore finds it unacceptable that the Members of the European Parliament that are part of that delegation were unable to attend the EU coordination meetings at the previous Conference of the Parties; expects the European Parliament participants to have access to such meetings in Copenhagen on the basis of observer status at least, with or without speaking rights;

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69. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the Secretariat of the United Nations Framework Convention on Climate Change, with the request that it be circulated to all non-EU contracting parties.

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Multi-annual programme 2010-2014 regarding the area of freedom, security and justice (Stockholm programme)

P7_TA(2009)0090

European Parliament resolution of 25 November 2009 on the Communication from the Commission to the European Parliament and the Council – An area of freedom, security and justice serving the citizen – Stockholm programme

(2010/C 285 E/02)

The European Parliament,

- having regard to the Treaty of Lisbon, in particular its provisions dealing with the area of freedom, security and justice ('the AFSJ') and its new legal framework for the protection of fundamental rights and the strengthening of Union citizenship, Articles 2, 6 and 7 of the Treaty on European Union as modified by the Treaty of Lisbon, Protocol No 8 to the Treaty on the Functioning of the European Union (TFEU) as inserted by the Treaty of Lisbon, relating to the accession of the Union to the European Convention on the Protection of Human Rights and Fundamental Freedoms ('the ECHR'), and the Charter of Fundamental Rights of the European Union ('the Charter'), which has the same legal value as the Treaties,
- having regard to the Communication from the Commission of 10 June 2009 entitled 'An area of freedom, security and justice serving the citizen' (COM(2009)0262), which outlines its priorities in the AFSJ for 2010-2014, together with its evaluation of the Hague Programme and Action Plan (COM(2009)0263) and the associated implementation scoreboard (SEC(2009)0765), as well as to the contributions made by national parliaments, civil society and EU agencies and bodies,
- having regard to the Council Presidency's draft document of 16 October 2009 entitled 'The Stockholm Programme – An open and secure Europe serving the citizen' (14449/09),
- having regard to the joint deliberations of the Committee on Legal Affairs, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Constitutional Affairs pursuant to Rule 51 of the Rules of Procedure,
- having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas ever since the entry into force of the Amsterdam Treaty, the AFSJ has been an essential objective of the European Union; whereas it is essential to return to the original spirit of the Tampere Programme, which embraced aspects of criminal and civil law, focusing on the rule of law, respect for human rights and fundamental freedoms,
- B. whereas globalisation affects not only the financial sector but increasingly the AFSJ; whereas it necessitates a more holistic policy approach together with measures to tackle the urgent questions of migration and asylum, and calls especially for deeper exchanges and cooperation between those involved in the policies of justice and home affairs, development, international trade and social affairs,
- C. whereas the Treaty of Lisbon, recently approved either through parliamentary vote or a referendum procedure, will reshape the legal bases, objectives, instruments and decision-making methods of AFSJ-related policies,

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- D. whereas the rights and institutional role assigned to national parliaments for the first time by the Treaty of Lisbon will have a positive impact on the development and functioning of the AFSJ in particular, not least because it will provide a better guarantee that the subsidiarity principle will be respected,
- E. whereas, in many areas of justice and home affairs policy, national solutions are no longer adequate and there is thus a need to develop European responses to the international challenges of migration, security and technology, including information and communications technology,
- F. whereas the dismantling of the EU's internal border controls is one of the greatest achievements of European integration,
- G. whereas citizens are directly represented at Union level in the European Parliament and the Member States are represented in the Council by their respective governments, which themselves are democratically accountable to their national parliaments; whereas, consequently, the necessary parliamentarisation of the European Union must rely, on the one hand, on broadening the European Parliament's powers vis-à-vis all the Union's decision-making and, on the other hand, on greater control of the national governments by their respective parliaments,
- H. whereas joint measures must be confined to the Community's area of competence, and whereas European approaches should be adopted only when they promise to be more successful than national actions,
- I. whereas EU citizens' rights and rights of protection, especially data protection, must be preserved, and whereas the common justice and home affairs policy must remain subject to parliamentary supervision,
- J. whereas transparency in the law-making process must be paramount and whereas national parliaments and citizens should be able to follow and monitor the definition and implementation of AFSJ-related policies,
- K. whereas the accession of the Union to the ECHR, provided for by the Treaty of Lisbon, will not affect the protection of fundamental rights in the Union based on the Charter and the case-law of the Court of Justice, and will constitute a precious element of supplementary protection, while bearing in mind that a clear distinction between the jurisdictions of the European Court of Human Rights and the Court of Justice will have to be established,
- L. whereas it is necessary, in the interests of combating organised crime, fraud and corruption in a robust and timely manner, and of protecting the financial interests of the EU, to strengthen police and judicial cooperation, to involve Europol and Eurojust more systematically in investigations, to create the office of European Prosecutor, and to achieve effective and measurable results, and whereas EU citizens want the EU to play an enhanced role in combating corruption,
- M. whereas in the field of civil justice the priorities for the next five years must reflect the needs expressed by individual citizens and business,
- N. whereas mutual recognition, as the cornerstone of the AFSJ, requires mutual trust and confidence in other countries' legal systems, and whereas those values can be secured only through mutual knowledge and understanding, thus creating a European judicial culture,
- O. whereas the European judicial area must be built on a European judicial culture among practitioners, the judiciary and prosecutors which is not only based on Union law but developed through mutual knowledge and understanding of the national judicial systems, a root-and-branch revamping of university curricula, exchanges, study visits and common training with the active support of the European Judicial Training Network and the Academy of European Law,

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- P. whereas mutual trust also depends on an ongoing valuation of the effectiveness and results of the various national systems, conducted at both the national and the European levels; whereas in this connection reference must be made to the invaluable work of the European Commission for the Efficiency of Justice at the Council of Europe,
- Q. whereas the European networks in the various sectors of the judicial system (the European Judicial Training Network, the European Network of Councils for the Judiciary, the Network of the Presidents of the Supreme Courts of the European Union, the Eurojustice network of European Prosecutors-General, the European Judicial Network in civil and commercial matters, and networks of practitioners) must play an active role in the further realisation of a European judicial culture, and having regard to its resolution of 10 September 1991 on the establishment of a European Law Academy ⁽¹⁾, its position of 24 September 2002 on the adoption of a Council decision setting up a European judicial training network ⁽²⁾, its resolution of 9 July 2008 on the role of the national judge in the European judicial system ⁽³⁾, and its recommendation of 7 May 2009 to the Council on development of an EU criminal justice area ⁽⁴⁾,
- R. whereas cybercrime has been significantly increasing over the past years, leading to more complex judicial challenges and placing a burden on the capacities of courts; whereas, on account of these developments, it is necessary to examine the setting-up of a European Court of Cyber Affairs specialising in matters related to cybercrime,

Looking ahead to the AFSJ under the Treaty of Lisbon

1. Notes that the new multiannual programme in the AFSJ is likely to be adopted and implemented under the new legal framework defined by the Treaty of Lisbon, so that it must already embody all the innovations therein according to which:

- Schengen cooperation, which enshrines the freedom of movement of persons within the EU, is confirmed as the core of the AFSJ and the Schengen area should be further enlarged;
- the protection and promotion of every person's fundamental rights and the building of a Europe of rights, justice, solidarity and diversity are undivided core values of European policies; they are at the top of the European agenda, and the EU institutions will be called upon to respect the principle of equal rights for all people;
- the decision-making process will be strengthened by the use of the ordinary legislative procedure, all under the judicial supervision of the Court of Justice;
- additional safeguards will secure strict respect for the principles of subsidiarity and proportionality in the AFSJ by ensuring that a number of national parliaments can launch an 'alert procedure' as well as by conferring on a single Member State the right to make use of an 'emergency brake' when it considers that a draft legal instrument in the field of judicial cooperation in criminal matters is liable to affect essential elements of its internal national order; the use of the emergency brake will normally lead to enhanced cooperation among a core group of States that wish to integrate their policies;

⁽¹⁾ OJ C 267, 14.10.1991, p. 33.

⁽²⁾ OJ C 273 E, 14.11.2003, p. 99.

⁽³⁾ Texts adopted, P6_TA(2008)0352.

⁽⁴⁾ Texts adopted, P6_TA(2009)0386.

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2. Observes that EU action will become more credible as it will be founded on a new or reshaped legal framework, including new provisions on the protection of fundamental rights, including rights of national minorities, new provisions for the prevention of any form of inequality, especially between men and women (Article 8 TFEU), or any form of discrimination (Article 10 TFEU), provisions promoting transparency in all the EU institutions, bodies, offices and agencies (Article 15 TFEU), provisions on the protection of personal data from the abuses of private or public entities (Article 16 TFEU), on consular and diplomatic protection (Article 23 TFEU), on common policies in the fields of asylum and immigration (Article 77 et seq. TFEU), on enhancing the integration of third-country nationals (Article 79(4) TFEU), and on improving good administration (Article 298 TFEU);
3. Emphasises the importance of extending without restriction the jurisdiction of the Court of Justice, both in order to deliver preliminary rulings on any question arising from the AFSJ and in order to allow the Commission to launch infringement proceedings ⁽¹⁾;
4. Points out that access to justice for citizens and enterprises across Europe's AFSJ is rendered more complicated and less transparent by the existence of national opt-outs, and that accordingly, in the interests of fairness, coherence and simplicity, these should be avoided wherever possible;
5. Welcomes the fact that the Treaty of Lisbon provides for the codecision procedure to be the ordinary legislative procedure for aspects of the AFSJ where it has not been applied to date, thus ensuring that the various facets of European justice and home affairs policy, and measures taken in pursuit of it, will come under parliamentary supervision; considers that involving the European Parliament in the ratification of international agreements is no more than the necessary complement to the powers and responsibilities that will be conferred on it at an internal level, particularly as regards matters covered by the current third pillar;
6. Considers that the principle of solidarity between Member States, and between Member States and the Union, takes on particular significance in the AFSJ and must be converted into active, compulsory solidarity particularly as regards border control, immigration, civil protection and the solidarity clause;
7. Stresses that the EU is rooted in the principle of freedom; points out that, in support of that freedom, security must be pursued in accordance with the rule of law and subject to fundamental rights obligations; states that the balance between security and freedom must be seen from this perspective;

A more coherent, transparent and democratic multiannual programme

8. Considers that the Stockholm programme should in particular:
 - address the problems of migration in solidarity;
 - strike a better balance between the security of citizens (e.g. protection of external borders, prosecution of trans-border crime) and the protection of their individual rights;
 - provide citizens with fair access to justice; and
 - settle the practical problems which citizens face in the European Union in matters subject to different legal orders;

⁽¹⁾ Subject to Article 10 of Protocol 36 on transitional provisions and to Article 276 of the TFEU.

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9. Considers that, in the implementation of this programme, a priority objective should be to ensure, in a spirit of loyal cooperation, that citizens benefit from an equivalent level of protection of their fundamental rights wherever they are, whether they are faced with public power exercised by the Union, including agencies and other bodies, and Member States, and that no-one should suffer disadvantages in exercising fundamental freedoms conferred upon Union citizens in accordance with the tradition of human rights and the rule of law common to the Member States;

Interparliamentary cooperation

10. Points out that in the new legal and institutional framework created by the Treaty of Lisbon further action in the AFSJ can be developed only by duly associating the European Parliament and national parliaments and civil society in an appropriate manner, with a view to building an open and continuous debate;

11. Calls for a more transparent law-making process at EU and national level and welcomes the use of the ordinary legislative procedure, which will allow for the widest application of the right of access to documents and information in the decision-making process, especially in cases where a proposal could affect the rights of the individual and of the citizen, regardless of whether the initiative is submitted by the Commission or by a group of Member States;

12. Announces – in the interests of transparent law-making at an international level where the Commission has gained Community competence, leaving Parliament merely with the right of assent, as is particularly evidenced by the developments in connection with the Hague Conference on Private International Law – that it is committed to following developments at the Hague Conference on Private International Law closely; undertakes to sponsor the creation of a Parliamentary Forum, open to interested MEPs and members of national parliaments, with a view to providing a means of informing parliamentarians about developments in the Conference and its work and achievements and allowing the various issues to be debated in a public forum;

13. Welcomes the creation by the Treaty of Lisbon of a framework for the evaluation of AFSJ policies and calls for the establishment of a concrete monitoring and evaluation system, notably in the area of justice, which focuses on the quality, efficiency and fairness of existing legal instruments, of the administration of justice and of the protection of fundamental rights, closely involving the European Parliament and national parliaments; therefore:

- notes that there are currently several evaluation systems in place in the AFSJ and that these need to be consolidated into a single and coherent framework, covering all aspects from ex-ante evaluations to the evaluation of the implementation of legislation,
- considers that evaluations carried out by different EU bodies should be better coordinated,
- calls for the creation of the evaluation system to give Parliament and national parliaments access to information related to the policies (Article 70 of the TFEU) and activities of the internal security committee (Article 71 of the TFEU) as well as of EUROPOL (Article 88 of the TFEU) and Eurojust (Article 85 of the TFEU), together with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), the European Asylum Support Office (EASO) and the Schengen system; considers, in this framework, that Parliament should be granted the right to deliver a binding opinion on the appointment of the agencies' directors (as Parliament is also the budgetary authority),

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— considers further that, in order to frame Parliament's cooperation with national parliaments within the AFSJ, it would be worth creating a permanent forum of representatives at political level (two per Chamber + two substitutes) meeting twice a year and sharing a common workspace where all the information dealing with the AFSJ, including that of a restricted nature, could be shared in real time); considers also that the representatives of the national parliaments should be allowed to attend Parliament's proceedings at committee level and during Parliament's annual debate on the progress of the AFSJ;

14. Considers that priority should be given to narrowing the wide gap between the rules and policies approved at European level and their implementation at national level;

15. Calls for a periodic assessment of the results achieved within the multiannual programme to be the subject of an annual debate in the European Parliament, which should involve civil society and focus on the protection of fundamental rights in the EU and which should be based on reports from the Council, the Commission, the European Data Protection Supervisor and the European Union Agency for Fundamental Rights (FRA), as well as assessments and studies by independent experts, input from civil society organisations and Parliament's resolutions;

A Europe of rights

16. Considers that effective protection and promotion of fundamental rights form the basis of democracy in Europe and are prerequisites for the consolidation of the AFSJ; therefore firmly believes that the Council and the Commission have a responsibility actively to propose measures to promote fundamental rights;

17. Recalls also that the Union is acceding to the ECHR, and that, consequently, negotiations with a view to the Union's accession to the ECHR should start immediately;

18. Calls on the Commission further to develop the interinstitutional agreement in the light of the Treaty of Lisbon and the consequences of the link between the ECHR, the European Court of Human Rights and the EU institutions;

19. Demands a clear and comprehensive proposal on the rights to be secured to defendants in order to ensure that they receive a fair trial, and rejects the incremental approach currently adopted;

20. Recalls that, with the Treaty of Lisbon, the Charter will become binding, on the same footing as the Treaties, and entirely applicable to all measures taken under the AFSJ, and that compliance with the Charter will be monitored by the Court of Justice; deplores, however, the introduction of the protocol limiting the effect of the Charter on the domestic law of two Member States and reiterates its concerns about the inequality among people this may produce;

21. Calls for a thorough and impartial review of the necessity, proportionality and effectiveness of existing measures in the area of freedom and justice, including their impact on the protection and promotion of EU values and principles and of fundamental rights of citizens; calls for an impact assessment in respect of fundamental rights and EU values for every new policy, legislative proposal and programme, which assessment should clearly state what fundamental rights may be affected and what measures are envisaged to safeguard them in accordance with principles of proportionality and necessity; considers that the FRA should be consulted throughout the policy cycle of legislative proposals which have fundamental and human rights implications and requests the Commission to issue a formal reply to each of the FRA reports, including a list of proposed actions to address the issues raised by the FRA;

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22. Calls for promotion of the EU's values, including mainstreaming of human rights, to be permanently embedded as a fundamental aim of EU agreements with third countries, and of the whole external dimension of the AFSJ, especially in view of the new tools provided for this purpose by the Lisbon Treaty; recognises the importance of an adequate and consistent internal human rights policy in order to acquire and retain the necessary external credibility;

23. Considers the death penalty to be a cruel, inhuman and degrading punishment and urges the Union and its Member States vigorously to work for its abolition in all countries of the world;

24. Calls for the external dimension of the AFSJ policies to respect, protect and promote human rights and fundamental freedoms and urges that international cooperation should be based on those values, that torture should not be condoned, that extraordinary renditions should be definitively abandoned and that a proper enquiry into such practices should be held with a view to ensuring that they are not resumed in the future;

Fighting discrimination and promoting integration

25. Calls for action to be taken fully to inform EU citizens and residents of their fundamental rights, including awareness-raising campaigns targeting both the general public and vulnerable groups, non-formal education initiatives and non-discrimination and equality mainstreaming in formal education curricula, as well as to make EU and Member States' institutions active in the AFSJ more aware of the core importance of fundamental rights, and to identify ways of seeking redress, either at national or European level, in cases where those rights are violated;

26. Stresses that the growing intolerance within the EU needs to be tackled not only through full implementation of Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law⁽¹⁾, but also through further European-level legislation on hate crime;

27. Considers that diversity enriches the Union and that the Union must be a safe environment where differences and national sensitivities are respected and the most vulnerable, such as the Roma, are protected; therefore insists that a priority in the Stockholm programme should be actively to increase awareness of anti-discrimination legislation and gender equality and to fight poverty, discrimination on grounds of gender, sexual orientation, age, disability, religious affiliation or belief, colour, descent, national or ethnic origin, racism, anti-Semitism, xenophobia and homophobia and to protect children and minorities; considers that the full use of the existing instruments and measures to tackle violence against women should be vigorously pursued and applied; calls, therefore, on the Spanish Presidency and the following Presidencies to make progress during their terms of office on the European protection order so as to ensure that victims of such crimes enjoy the same level of protection in all the Member States;

28. Recalls that, from the viewpoint of an ordinary citizen, one of the biggest threats to internal security is social exclusion; points out that unemployment and other income problems, such as over-indebtedness, aggravated by the global financial crisis, increase the risk of exclusion and that ethnic minorities are extensively vulnerable, as they also face the risk of becoming victims of discrimination and racist crime;

29. Calls for the collection and compilation by the FRA of reliable, comparable statistics on all grounds of discrimination, including discrimination against national minorities, and for the equal treatment of those different grounds, including comparative data on violence against women within the EU, and their publication in readily understandable form, and shares the view of the Trio Council Presidencies (Spanish, Belgian and Hungarian) that a possible review of the mandate of the FRA should be undertaken as soon as possible and that such a review will afford an opportunity to deepen cooperation with the Council of Europe and scope for consideration of a possible extension of the mandate of the FRA, which currently requires it to examine the situation of fundamental rights within the European Union;

⁽¹⁾ OJ L 328, 6.12.2008, p. 55.

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30. Reaffirms that the Union and the Member States must make a concerted effort to integrate vulnerable groups, in particular the Roma community, fully into society by promoting their inclusion in the education system and labour market and by taking action to prevent violence against them;

31. Stresses that, while EU law and policy-makers have adopted an extensive body of law to combat the multiple discrimination suffered by women from minority backgrounds, especially Roma women, no significant progress can be demonstrated; therefore calls on the Member States to review the implementation of all policies related to the phenomenon of multiple discrimination;

32. Considers it essential that the EU bring forward the issuing of a directive and a European action plan on violence against women, aimed at preventing violence, protecting victims and prosecuting perpetrators; considers it necessary for the EU to set up mechanisms to ensure that all policies designed to prevent and combat trafficking in human beings incorporate the gender dimension and analysis of such trafficking;

Stronger rights linked to Union citizenship

33. Points out that, by the introduction of the 'citizens initiative' into the Treaty of Lisbon, citizens will play a direct role in the exercise of the Union's sovereign power by being, for the first time, directly involved in the initiation of European legislative proposals; strongly requests that this new instrument be implemented in a way that really encourages people to use it and calls on the Commission to take duly into account all the initiatives that fulfil the legal criteria;

34. Welcomes the provision in the Lisbon Treaty for a citizens' initiative and urges the Commission to take due account of the role of Parliament and the existing right of petition when presenting a proposal for the practical modalities for its implementation;

35. Intends to initiate a new proposal for fundamental reform of the law governing elections to the European Parliament; reiterates its position that, in order to encourage European citizens to take part in European elections in their place of residence, the Council, under arrangements that it has already been called on to establish, should act to facilitate the right to vote and to stand as a candidate;

36. Calls on the Member States fully to implement the rights linked to Union citizenship, so that Union citizens can exercise their right to free movement together with members of their family, thus enabling them to travel, work, study, retire, participate in politics and democratic life, and have a family life without restriction anywhere in the Union, making sure that they retain the right to all social benefits regardless of where they live; considers that Member States should ensure that EU citizens can easily exercise their right to vote in municipal elections;

37. Calls on Member States, without prejudice to national legislation on family law, to ensure freedom of movement for EU citizens and their families, including both registered partnerships and marriages, in accordance with Articles 2 and 3 of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States⁽¹⁾, and to avoid all kinds of discrimination on any ground, including sexual orientation;

⁽¹⁾ OJ L 158, 30.4.2004, p. 77.

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38. Calls on the Commission and the Member States to explore ways in which the free movement of EU citizens can be facilitated by helping EU citizens who choose to make use of that right to integrate and participate in the host country to which they choose to migrate in the exercise of their right to freedom of movement within the European Union;

39. Considers that the exercise of these freedoms must be secured beyond national borders, and that EU citizens must be able to fully exercise their specific rights, even outside the Union; therefore emphasises the importance of strengthening the coordination and cooperation of consular protection;

40. Calls on the Member States to implement in a fair and consistent way their obligation to ensure consular and diplomatic protection for Union citizens through the implementation of an agreement on the minimum amount of consular assistance offered to EU citizens outside EU territory;

41. Calls on the Council and the Commission to give priority to improving transparency and access to documents, as these are essential for the purposes of achieving a citizen-oriented EU;

42. Welcomes the reference made in the Stockholm programme to participation in the democratic life of the European Union; urges the Council to include in the Stockholm programme a specific section on the appropriate measures needed to empower women's participation in electoral campaigns and political life in general, with a view to thereby eliminating the democratic deficit that still exists due to the limited presence of women in municipal, national and European elections;

Migration

43. Considers that any comprehensive approach to immigration must take account of the 'push factors' that lead people to leave their countries in the first place, and necessitates clear plans for development and investment in the countries of origin and transit, in particular by facilitating money transfers from migrants to their countries of origin or by putting in place trade and agricultural policies that promote economic opportunities, as well as through the development of democracy, the rule of law, human rights and fundamental freedoms;

44. Stresses the need for the continued development of adequately funded and ambitious regional protection programmes in close cooperation with the United Nations High Commissioner for Refugees (UNHCR) and the third countries involved;

45. Urges that Community integration, immigration and asylum policies be built on full respect of fundamental rights and the ECHR, so as to ensure effective protection of the human rights of third country nationals as well as full compliance with the principle of non-refoulement; points out that immigration and asylum policies should also address the needs of the most vulnerable groups, such as refugees and asylum seekers, and particularly minors and unaccompanied minors; calls for the establishment of a consistent and comprehensive legal framework facilitating legal migration;

46. Urges the formulation of a stronger immigration policy closely connected with other Community policies, especially with employment policy, so as to constitute legal immigration as an alternative to illegal immigration and maximise the positive effect both for the Member States and for the well-being of the immigrants themselves;

47. Insists on the need to consolidate the EU's global approach to migration in such a way as to offer the possibility of new ways of engaging in political dialogue and cooperation with third countries, in order to improve migratory flows, to prevent humanitarian tragedies;

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48. Highlights the need to achieve a close fit between migration and development policies and to step up the dialogue with countries of origin and transit, notably with a view to averting the problem of illegal migration; stresses in this regard that effective joint action against illegal migration will put the Member States in a better position to make provisions for legal migration;

Asylum

49. Calls for the further development of the Common European Asylum System so as to establish a 'Europe of asylum' as envisaged in the European Pact on Immigration and Asylum; considers that a common procedure should ensure greater consistency and better quality of asylum decision-making across Member States in order to close the protection gap in Europe;

50. Urges the Council and the Member States to respect the legal definition of a refugee as enshrined in the United Nations Convention Relating to the Status of Refugees;

51. Considers that, whereas solidarity must remain at the centre of a common immigration and asylum policy, it must also include solidarity with Member States that comply with their international obligations concerning the protection of refugees and asylum seekers, and must therefore ensure that no Member State fails to do so;

52. Recalls that asylum is a right to be guaranteed to all people fleeing from conflicts and violence; condemns refoulement and collective expulsions to countries where human rights are not respected or which have not signed the United Nations Convention Relating to the Status of Refugees;

53. Encourages negotiations on pending and forthcoming legislative proposals on European asylum instruments, in order to achieve improved standards and to address gaps in the existing legal framework;

54. Calls, moreover, for solidarity between Member States on the one hand, and asylum seekers and other refugees on the other;

55. Calls on Member States actively to engage and show their full commitment to solidarity mechanisms such as the pilot project for internal reallocation of beneficiaries of international protection envisaged by the Commission, as well as other initiatives which lead to the establishment of true long-term solidarity amongst Member States, and to promote regional protection programmes; takes the view, in that connection, that a transparent system for assessing Member States' respective reception capacities should be introduced and the role of the EASO in that regard clarified; on that basis, calls for an open debate on the various options available with a view to the establishment of a compulsory mechanism to provide for effective solidarity, in particular by means of internal reallocation;

56. Calls in this regard for the prompt formalisation of the principle of solidarity and fair sharing of responsibility as provided for in Article 80 of the TFEU, which should involve a system of 'compulsory and irrevocable solidarity' together with greater cooperation with third countries and notably neighbouring countries, designed to help develop their asylum and protection systems in a manner which respects fundamental rights and international protection norms, sets realistic expectations, and does not undermine or seek to replace access to protection in the EU;

57. Believes that a partnership approach with the countries of origin and transit is needed in order to ensure that they play an active part in helping to manage migration flows, to prevent irregular immigration by informing potential migrants of the risks involved and to set up effective information campaigns on the possibilities for entering and/or working legally in the EU Member States;

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58. Stresses that all agreements with countries of origin and transit, such as Turkey and Libya, should include chapters on cooperation on immigration, taking due account of the situation of Member States most exposed to migratory flows and with an emphasis on fighting irregular immigration and trafficking in human beings by facilitating the work of Frontex;

59. Calls for further cooperation on the strengthening of measures to ensure the effective and rapid return of illegally staying migrants who are not in need of protection, giving priority to voluntary returns;

60. Calls for the adoption of measures to address the obstacles to the exercise of the right to family reunification by third-country nationals residing lawfully in Member States;

61. Stresses the importance of granting migrants access to justice, housing, education and health care, in accordance with, *inter alia*, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;

62. Calls on the Commission to put forward practical proposals for effective action against the abuse of asylum procedures;

63. Points out that circular migration should be promoted, but recalls that this approach must not amount to wage and social dumping and must not ignore the need for integration measures;

Borders and visas

64. Calls for the adoption of a comprehensive blueprint setting out the overall objectives and architecture of the Union's integrated border management strategy, in order genuinely to implement a common policy on asylum, immigration and external border control, pursuant to Article 67(2) of the TFEU;

65. Calls for a strategic approach in the field of visa policy in order to preserve the coherence of actions, internal regulations and external commitments, including the safeguarding of equal treatment of Member States by third countries;

66. Calls on the Commission to draw the appropriate conclusions from the implementation of the visa and readmission agreements and bilateral local border traffic agreements already in place between the European Union and its eastern neighbours, along with the visa liberalisation process in the western Balkans, with a view to establishing a set of clear criteria and benchmarks on a case-by-case basis in order to evaluate and improve existing visa facilitation agreements and work towards a visa-free travel area aimed at increasing the level of people-to-people contact;

67. Urges the Commission, so as to execute more effectively the visa reciprocity principle with third countries and thereby ensure equal treatment of all EU citizens in this regard, to reinvent its strategy by using all the tools at its disposal, such as sanctions, and linking this issue to its negotiations with the third countries concerned;

68. Considers that Frontex, as an essential instrument in the Union's global strategy on immigration, must fully respect the human rights of migrants; calls for greater parliamentary scrutiny of its activities and supports the review of its mandate – including a clear framework for return operations meeting international human rights standards and the establishment of regional and specialised offices – in order to strengthen its role;

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69. Recalls the absolute necessity for Frontex to be able to count on the availability of the resources placed at its disposal by the Member States, both for its coordination of the individual joint operations and for its permanent missions;

70. Calls on all Member States concerned to solve potential practical and/or legal problems with regard to the use of the resources of the respective Member States involved in joint operations;

71. Recalls the absolute necessity for the Schengen Information System II (SIS II) and the Visa Information System (VIS) to be able to start operations as soon as possible; considers that SIS II will bring considerable improvements and new functionalities, such as the introduction of biometric data and the interlinking of alerts, that will contribute to better control of external borders and strengthened security;

72. Insists that new border management instruments or large-scale data storage systems should not be launched until the existing tools are fully operational, safe and reliable, and calls for a thorough assessment of the necessity and proportionality of new instruments relating to matters such as entry/exit, the registered traveller programme, Passenger Name Record and the system of prior travel authorisation;

Protecting children

73. Stresses the importance of the Treaty of Lisbon, which gives legally binding force to the Charter, Article 24 of which specifically regulates the rights of the child and provides, *inter alia*, that '[in] all actions relating to children, whether taken by public authorities or private institutions, the child's best interests shall be a primary consideration';

74. Considers it essential that all EU measures in this field respect and promote children's rights as set out in the UN Convention on the Rights of the Child and recognised in the Charter, and calls for enhanced EU action on child protection throughout the AFSJ;

75. Calls on the Member States to respect and implement the rights of the child as enshrined in the UN Convention on the Rights of the Child;

76. Urges the EU to tackle more vigorously any abuses committed against children, such as violence, discrimination, social exclusion and racism, child labour, prostitution and trafficking, and to stimulate a coordinated effort to protect them and to uphold their rights, using the UN Convention on the Rights of the Child as a guide for EU action and serving as a basis for amending existing legislation;

77. Considers that there is an urgent need to address the question of protection of unaccompanied and separated children, given the special risks to which they are exposed;

78. Underlines the importance of taking into consideration the rights of the child and paying special attention to children in particularly vulnerable situations in the context of immigration policy; considers that an ambitious European strategy must be developed in this field;

79. Urges Member States to ensure that EU asylum, migration and trafficking policies in this field treat migrant children as children first and foremost, and to ensure that they benefit from their rights as children without discrimination, especially the right to family reunification; therefore insists that any EU action plan on unaccompanied minors of third country origin must ensure that:

(a) all unaccompanied children receive special protection and assistance whilst in the EU;

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- (b) the EU identifies actions which will support Member States in finding a secure, concrete and durable solution for each child in the child's best interests;
- (c) where return to a third country is in the best interests of the child, a proper return and reintegration process is put in place in cooperation with the country of return; and
- (d) the EU cooperates with third countries to prevent unsafe migration and to provide opportunities for children in the countries concerned;

80. Calls for special attention to be paid to minors, whether accompanied or not, in order to ensure that they are not held in any form of detention;

81. Points out that children of third-country origin can find themselves particularly vulnerable to exploitative labour situations, especially in countries where they are not provided with adequate assistance and protection because of their undocumented status; insists that EU policies in the fields of labour, asylum, migration and human trafficking must recognise and address these realities;

Data protection and security

82. Notes the growing importance of the internet, and observes that the global and open nature of the internet requires global standards for data protection, security and freedom of speech; calls on the Council and the Commission to take the initiative in establishing a global platform for the elaboration of such standards; considers it extremely important strictly to limit, define and regulate the cases in which a private internet company may be required to disclose data to government authorities, and to ensure that the use of those data by government authorities is subject to the strictest data protection standards;

83. Insists on the guarantee that the fundamental rights dimension of data protection and the right to privacy will be respected in all the Union's policies;

84. Stresses the need to mainstream protection of personal data and privacy in the light of developing technologies and the creation of large-scale information systems;

85. Considers that a 'privacy by design' approach must be an essential feature of any development which risks jeopardising the security of personal information relating to individuals and the public's trust and confidence in those who hold information about them;

86. Points out that the principle of availability is liable to allow the exchange of personal data that have not been collected legitimately and lawfully, and that it must be underpinned by common rules; expresses doubts with regard to the facilitation of operational activities that do not include a European definition and common standards concerning covert investigations, surveillance of citizens, etc.;

87. Believes that, before EU action is envisaged in this field, clear criteria should be laid down for assessing the proportionality and necessity of limitations to fundamental rights; considers, furthermore, that the consequences of any proposal should always be carefully analysed before a decision is taken;

88. Expresses its concern about the increasingly widespread practice of profiling, based on the use of data-mining techniques and the generalised collection of innocent citizens' data, for preventive and policing purposes; recalls the importance of the fact that law-enforcement actions must be based on respect for human rights, from the principle of the presumption of innocence to the right to privacy and data protection;

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89. Welcomes the proposal for international standards in data protection; emphasises that data protection agreements with third countries should be conducted in full transparency, with democratic scrutiny by Parliament, and that European level data protection standards in the third country are a minimum prerequisite for data exchange to take place;

90. Welcomes the proposal for a comprehensive data protection scheme in the EU and with third countries; calls for a thorough evaluation of all relevant legislation (concerning counter-terrorism, police and judicial cooperation, immigration, transatlantic agreements, etc.) in the area of privacy and data protection;

91. Welcomes the emphasis given to the importance of technology in the Stockholm programme in the context of effective protection of personal data and privacy;

92. Urges the European Union to show its determination to take into account, in all its policies, the special needs of vulnerable people;

93. Stresses the need for clearer and tighter limits on exchanges of information between Member States and the use of common EU registers; takes the view that, otherwise, building up large registers at EU level is liable to threaten personal integrity and registers may become ineffective whilst the risk of leaks and corruption will increase;

94. Calls on Member States to reinforce mutual trust and confidence in each other's capability to strengthen security; considers that mutual trust also depends upon an efficient and rigorous ongoing evaluation of the effectiveness and results of the actions of various Member States;

Civil and commercial justice for families, citizens and business

Greater access to civil justice for citizens and business

95. Considers that the priorities in the field of civil justice must first and foremost meet the needs expressed by individual citizens and business whilst constantly simplifying the machinery of justice and creating simpler, clearer and more accessible procedures in order to guarantee the proper enforcement of fundamental rights and consumer protection; to this end, while commending the Commission's decisions to present a proposal on wills and successions and a Green Paper on matrimonial property regimes in connection with separation and divorce, calls for:

- further efforts to promote alternative dispute resolution aiming in particular at improving access to justice for consumers; the introduction of collective redress mechanisms at Community level so as to grant citizens and businesses greater access to justice, whilst noting that this must not lead to unnecessary fragmentation of national procedural law;
- proposals for a simple and autonomous European system for the attachment of bank accounts and the temporary freezing of bank deposits, the abolition of requirements for legalisation of documents, provisions to fill the gaps left in the Rome II Regulation ⁽¹⁾ concerning rights of the personality and defamation, a definitive solution to the problem of bilateral agreements dealing with jurisdiction and the recognition and enforcement of judgments, if necessary by means of a Protocol to the next accession Treaty to be concluded; consideration to be given in addition to a proposal for an international instrument permitting a thorough check of all judgments from third countries before they may be recognised and enforced in a Member State; and provisions to fill the lacuna highlighted by the Court of Justice in the field of company law, a proposal on the protection of vulnerable adults, and a proposal for a regulation, for adoption if necessary by recourse to enhanced cooperation, on the law applicable in matrimonial matters and parental responsibility, based on the best interests of children and non-discrimination between partners;

⁽¹⁾ Regulation (EC) No 864/2007 of the European Parliament and the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) (OJ L 199, 31.7.2007, p. 40).

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- detailed consideration to be given to a form of Community provisional measure additional to those which may be ordered by national courts, to the divergent national legal approaches to retention of title and other similar mechanisms, to the recognition of international adoptions, and to the whole question of the mutual recognition of national civil status documents;
- a Community Conflicts Code bringing together in one instrument all the regulations adopted in this area by the Community legislator by 2013 to mark the 45th anniversary of the Brussels Convention, the conclusion of which was a milestone in private international law;
- the practical application of the large amount of innovative legislation adopted to date in the field of European civil procedure, to be studied with a view to simplifying it where possible and codifying it into a single instrument bringing together all the Community legislation adopted in this area;

96. Insists that the abolition of *exequatur* in the context of the Brussels I Regulation ⁽¹⁾ should not be rushed and should be accompanied by appropriate safeguards;

97. Would be keen to examine proposals to draw up an optional 28th scheme for civil-law issues with cross-border aspects in areas affecting family law, the rights of individuals and property law;

98. Underlines the need to further promote the international presence of the EU in the legal field by way of global solutions and multilateral instruments; believes that close cooperation with international organisations, such as the Hague Conference on Private International Law and the Council of Europe, is of particular importance; believes further that the EU should encourage and support the accession of third countries, especially those neighbouring the EU, to international judicial agreements, and that this is of key importance, especially in the field of family law and child protection;

Reaping the full benefits of the single market through European contract law

99. Calls on the Commission to boost its work on European contract law on the basis of the academic Draft Common Frame of Reference (DCFR), as well as other academic works in the field of European contract law, and to involve Parliament fully in the open and democratic process which must lead to the adoption of a political Common Frame of Reference (CFR); emphasises that the political CFR should result in an optional and directly applicable instrument enabling parties to a contract, *inter alia* companies and consumers, freely to choose European contract law as the law governing their transaction;

100. Reiterates that the DCFR should be made available by the Commission in the greatest possible number of relevant languages along with other scientific works in order to ensure their accessibility for all interested stakeholders and should already be used as a non-binding legal tool for European and national legislators; insists that already now the relevant provisions of the DCFR be given systematic and detailed consideration in all forthcoming Commission proposals and impact assessments affecting contract law;

101. Encourages the Commission to pursue its recent idea of proposing standard contracts for voluntary use in specific sectors on the basis of the CFR;

⁽¹⁾ Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 12, 16.1.2001, p. 1).

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Better legislation in the field of justice

102. Stresses the need for European legislation in the area of judicial cooperation to be of the highest possible quality and based on properly conducted impact assessments, in order to provide citizens and business with effective instruments; deplores the fact that, in the past, proper impact assessments were not conducted in this area; notes a recent improvement and undertakes to subject one Commission impact assessment to critical analysis in the coming period;

103. Strongly believes that, in order to guarantee a minimum level of independent scrutiny in the drafting of impact assessments, an independent panel of experts should be set up to monitor, by means of spot checks, the quality of opinions delivered by the Impact Assessment Board, and that representatives of interested parties should also be allowed to assist in conducting them;

104. Considers that legal cooperation is the key to bringing not only the civil, but also the criminal procedures of different Member States closer to each other; considers therefore, that the approximation of procedural rights of citizens between the Member States should be promoted equally in civil and criminal proceedings;

Building a European judicial culture

105. Calls for the creation of a European judicial culture embracing all aspects of the law; to this end, points out that:

- the Network of the Presidents of the Supreme Judicial Courts, the European Network of the Councils for the Judiciary, the Association of the Councils of State and Supreme Administrative Jurisdictions and the Eurojustice network of European Prosecutors-General, court officers and legal practitioners have a huge amount to offer by coordinating and promoting professional training for the judiciary and mutual understanding of other Member States' legal systems and making it easier to resolve cross-border disputes and problems, and their activities must be facilitated and receive sufficient funding; this must lead to a fully-funded plan for European judicial training drawn up in liaison with the above-mentioned judicial networks, avoiding unnecessary duplication of programmes and structures and leading to the creation of a European Judicial Academy composed of the European Judicial Training Network and the Academy of European Law;
- there must be active policies designed to foster mutual knowledge and understanding of foreign law and so achieve greater legal certainty and foster the mutual trust essential for mutual recognition; these policies must provide for exchanges of experiences, exchanges, visits and information and courses for practitioners and the judiciary, as well as coordination of existing national regimes for legal training across the EU and provision of familiarisation courses in national law for legal practitioners and judges;

106. Calls on the Commission, therefore, to promote the creation by universities, other specialised institutes of higher education and competent professional organisations of a common system of training points/credits for judges and legal practitioners; calls on the Commission to create a network of legal training bodies across the Union accredited to provide familiarisation courses in national, comparative and European law for practitioners and judges on a stable, ongoing basis;

E-justice: a facility for citizens, practitioners and the judiciary

107. Calls for a greater effort to promote and develop e-justice at Community level, in the interests of access to justice for citizens and business, and considers that:

- Member States cooperating on bilateral projects should ensure that their work is designed in a way that is transferable to the Community level, in order to avoid unnecessary duplication;

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- the existing body of Community law in the field of civil law, in particular procedural law, should be made more compatible with the use of information technology, especially as regards the European payment order and the small claims procedure, the Civil Evidence Regulation⁽¹⁾ and alternative dispute resolution, and action should be taken in the areas of electronic acts and transparency of debtors' assets; the aim should be to bring about simpler, cheaper and faster civil proceedings in cross-border cases;
- electronic tools such as the European Criminal Records Information System (ECRIS) and the Schengen Information System should be further developed;

108. Considers that e-justice should simplify citizens' access to legal assistance, shorten judicial procedures and improve the efficiency of the judicial process, and therefore calls on the future multilingual e-justice portal to incorporate access to legal databases, electronic judicial and non-judicial remedies, intelligent systems designed to help citizens find out how to deal with legal problems, and comprehensive registers, directories of legal professionals and plain guides to the legal system of each Member State;

109. Considers that the portal should also be designed for use as a tool by judges, court officials, officials of the national Ministries of Justice and practising lawyers, all of whom would be entitled to secure access to the relevant part of the portal; calls on this part of the portal to permit secure communication, video-conferencing and document exchange between courts and between courts and parties to proceedings (dematerialisation of proceedings), to allow for verification of electronic signatures and make provision for appropriate verification systems, and to afford a means of exchanging information;

110. Calls on the Commission to ensure that all future legislation in the field of civil law is designed in such a way that it can be used in on-line applications requiring a minimal amount of free text to be filled in; calls on action to ensure that, where necessary, on-line help is provided in all official languages and on-line electronic translation services are available; by the same token, where there is a need to provide for service of documents, provision should be made to ensure that documents can be served and communications effected by electronic mail and signatures provided electronically and, where there is a need for oral testimony, the use of video-conferencing should be encouraged; considers, furthermore, that all future proposals should include a reasoned statement by the Commission that an audit of e-justice-friendliness has been carried out;

111. Calls for the ECRIS to give a prominent place to records of gender violence;

Priorities in criminal justice

112. Calls for the construction of an EU criminal justice area based on respect for fundamental rights, the principle of mutual recognition, and the need to maintain the coherence of national systems of criminal law, to be developed through:

- an ambitious legal instrument on procedural safeguards in criminal proceedings, based on the presumption of innocence, which gives full effect to the rights of the defence,
- a sound legal framework ensuring the basic principle of *ne bis in idem* and facilitating the transfer of criminal proceedings between Member States and the resolution of conflicts of jurisdiction, with a high level of guarantees and defence rights, and ensuring effective access to these rights and to legal redress mechanisms,
- a comprehensive legal framework offering victims of crime and in particular victims of terrorism, organised crime, trafficking in human beings and gender violence, the widest possible protection, including adequate compensation, to be provided for at Member State level,

⁽¹⁾ Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (OJ L 174, 27.6.2001, p. 1).

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- a common legal framework offering witnesses the widest protection,
- minimum standards for prison and detention conditions and a common set of prisoners' rights in the EU, including appropriate compensation rules for persons unjustly detained or convicted, bolstered by the conclusion of agreements between the EU and third countries for the return of their convicted nationals, the full implementation of Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union⁽¹⁾ and the provision of sufficient EU funding for both the construction, in the context of regional security plans, of new detention facilities in Member States affected by prison overcrowding and the implementation of social resettlement programmes,
- the adoption of a European legislative instrument to enable the profits and assets of international criminal organisations to be confiscated and reused for social purposes,
- a comprehensive legal instrument on the taking and admissibility of evidence in criminal proceedings,
- measures to ensure legal aid through sufficient budgetary allocations, and
- measures to combat violence, particularly violence against women and children;

113. Stresses that work on illegal immigration must take into account efforts to combat trafficking in persons and must not in any way be allowed to penalise particularly vulnerable crime victims, especially women and children, or to jeopardise their rights;

114. Stresses that one out of four women in Europe has been or is subjected to male violence; therefore calls on the Commission to consolidate the legal base within the current EU structure so as to ensure that all forms of violence against women are addressed through a broad and gender-based definition of violence against women; requests that, based on this legal base, a directive and a European action plan on violence against women, ensuring the prevention of violence, the protection of victims and the prosecution of perpetrators, be brought forward; calls on the Member States to take due account of the special circumstances of female immigrants, particularly young girls who are well integrated in the EU (often with dual nationality) and who, in parental or intimate relationships, are victims of abduction, illegal confinement, physical violence and psychological abuse on religious, cultural or traditional grounds, and to ensure that measures providing effective access to assistance and protection mechanisms are adopted;

115. Insists that the gender issue be taken into account at all stages of development of the policy against human trafficking;

A coherent multi-layered security strategy: a Europe which protects its citizens (fighting crime whilst guaranteeing citizens' rights)

116. Criticises the lack of a comprehensive master plan setting out the overall objectives and architecture of the EU's security and border management strategy as well as the absence of details showing how all related programmes and schemes (whether already in place, in the course of preparation or at the stage of policy development) are supposed to function together and how relationships between them can be optimised; takes the view that, when considering the architecture of the EU's security and border management strategy, the Commission should analyse first of all the effectiveness of the existing legislation, in order to bring about the optimal synergies between them;

⁽¹⁾ OJ L 327, 5.12.2008, p. 27.

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117. Urges the Commission and the Member States to ensure that future EU action in this field fully respects the core importance of fundamental rights and freedoms and strikes the right balance between security and freedom, and that this objective is adequately monitored and streamlined; strongly believes in the primacy of the rule of law, effective judicial review and accountability;

118. Is committed, within the new institutional framework defined by the Treaty of Lisbon, to working with the Commission and the Council to focus on promoting the freedom of EU citizens while developing the EU legal framework in criminal matters; considers, indeed, that the imperative of protecting citizens against terrorism and organised crime should be supported by effective legislative and operational tools, taking into account the global dimension of these phenomena, and framed in clear legislation which affords EU citizens full enjoyment of their rights, including the right to challenge disproportionate or unclear rules and the inappropriate implementation of rules;

119. Considers that Member States should examine to what extent the creation of an EU legal framework in criminal matters can be achieved;

120. Calls on the EU to recognise the dignity, courage and suffering of indirect victims of terrorism and stresses that defending and promoting the rights of victims of terrorism and subsequently providing economic compensation for them should be a priority; recognises the extreme vulnerability of women as indirect victims of terrorism;

121. Calls for the adoption of a comprehensive legal framework offering victims adequate protection and compensation, namely through the adoption of a draft framework decision amending the existing instruments on the protection of victims; considers that it is fundamentally important to develop a joint approach with a consistent and strengthened response to the needs and rights of all victims, ensuring that victims are treated as such rather than as criminals;

122. Welcomes support to victims of crime, including women subjected to violence and sexual harassment, as a priority issue for the Swedish Presidency; urges the Council to include in the Stockholm programme a comprehensive European strategy aimed at eradicating violence against women, comprising prevention measures (such as awareness-raising concerning male violence against women), policies on the protection of victims including a specific section on the rights of victims of crime, and strengthening support to victims of crime, in particular young girls, who are increasingly the victims of significant crimes, and concrete measures to prosecute perpetrators; calls on the Spanish Presidency, during its term in office, to fully implement the action plan laid down in the Stockholm programme and to report to Parliament every month on the progress made;

123. Considers the objective of a secure Europe to be legitimate and agrees that it is important continuously to develop and strengthen the EU's common policy on the fight against terrorism, organised crime, illegal immigration, human trafficking and sexual exploitation;

124. Calls for the development of a comprehensive, cross-European strategy on the fight against organised crime, combining efforts and resources at the disposal of Member States, European institutions, specialised EU agencies and information exchange networks; stresses at this time that organised economic crime, such as tobacco smuggling, results in revenue losses that add to the already serious public finance situation of many EU Member States, and calls for the urgent adoption of effective preventive measures;

125. Believes that further action against organised crime and terrorism should be oriented more towards the protection of fundamental rights and should provide for adequate protection of witnesses, incentives for those who cooperate in dismantling terrorist networks, and prevention and integration policies addressing in particular individuals belonging to high-risk categories, with priority in all circumstances for ethical prevention measures at the economic and social level and compensatory and reparatory measures for the victims of terrorism;

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126. Considers it particularly important that the EU should make a serious effort to tackle trafficking in persons, which is a constantly growing problem, that trafficking must be combated both outside and inside the EU and that a gender analysis should be made of all proposals for measures; considers that the EU and Member States should particularly tackle demand for services from victims of trafficking in persons by introducing penalties, educational measures and campaigns to raise awareness; considers that, since trafficking in persons for sexual purposes constitutes the bulk of this crime in absolute terms (79 % according to UN data), the relationship between demand for the purchase of such services and trafficking in persons must be made clear and recognised and that, if demand for the purchase of sexual services is controlled, trafficking in persons will also be reduced;

127. Calls for the promotion of transparency and integrity and for a more robust fight against corruption based on an objectives-oriented plan and on a periodic evaluation of the anti-corruption measures taken by the Member States, in particular the enforcement of instruments which have been developed by the EU itself, with a special focus on trans-border corruption; and for the development of a comprehensive anti-corruption policy and the periodical review of its enforcement;

128. Calls for active support for civil society anti-corruption and integrity monitoring, as well as citizens' engagement against corruption, not only by opening up policy consultations and establishing direct channels of communication but also by dedicating resources and programmes so as to ensure that citizens can easily use the spaces provided to them;

129. Highlights the increase in identity theft and urges the creation of a comprehensive EU strategy for combating cybercrime in this field to be developed in cooperation with internet providers and user organisations as well as the creation of an EU desk offering assistance to victims of identity theft and identity fraud;

130. Calls for clarification of the rules on jurisdiction and the legal framework applicable to cyberspace in order to promote cross-border investigations and cooperation agreements between law enforcement authorities and operators, in particular for the purposes of combating child pornography on the internet;

131. Calls for more effective and results-oriented policies to further implement police and judicial cooperation in criminal matters, by associating Europol and Eurojust more systematically in investigations, particularly in cases of organised crime, fraud, corruption and other serious crimes which gravely endanger the security of the citizens and the financial interests of the EU;

132. Calls for the annual publication of a comprehensive report on crime in the EU, consolidating reports relating to specific areas such as assessment of the threat of organised crime and the Eurojust annual report, and stresses the need for an interdisciplinary approach and a comprehensive strategy for the prevention of, and fight against, terrorism and cross-border crimes such as trafficking in human beings and cybercrime;

133. Calls on the Commission and Member States to cooperate closely in order to exchange best practice and lessons learned in the area of counter-radicalisation policies; considers in this regard that local and regional authorities are well placed to share best practice in tackling radicalisation and polarisation and therefore calls for their involvement in devising counter-terrorism strategies;

134. Calls for the encouragement of police cooperation between Member States through the promotion of mutual knowledge and trust, common training and the creation of joint teams of police cooperation and of a student exchange programme in cooperation with the European Police College;

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135. Calls on the Commission and the European Council to urgently remedy the legal situation that has arisen as a result of the rulings of the Court of Justice in the respective cases with regard to blacklisting, in particular the *Kadi* case ⁽¹⁾, and in doing so to take full account of the fundamental rights of those concerned, including the right to due process and redress;

136. Calls for enhancement of the ECRIS, in order to make it possible to prevent reoffending in different Member States, in particular with regard to offences against children;

137. Calls in particular on the Commission to begin early discussions and consultations with interested stakeholders, including civil society, on all aspects related to the creation of the European Prosecutor's Office for combating crimes affecting the financial interests of the Union, as provided for in Article 86 of the TFEU;

138. Emphasises the need for the development of a comprehensive European security strategy, based on the Member States' security plans, a stronger solidarity principle and an objective evaluation of the added value of the EU agencies, networks and information exchanges; intends to follow closely, together with national parliaments, all the activities carried out by the Council in the context of operational cooperation on EU internal security;

139. Urges the Council and the Commission to develop security strategies that cater for both the internal and the external aspects of international organised crime and terrorism; insists that the EU adopt a more integrated approach to European Security and Defence Policy and to justice and home affairs;

140. Calls on the Council, the Commission and Member States to evaluate and review current international, European and national laws and policies on drugs and to promote harm reduction, prevention and recovery policies, notably with a view to the conferences on those issues held at UN level;

Operational bodies and agencies and technical tools

141. Attaches great importance to strengthening Eurojust and Europol and is committed to participating fully alongside national parliaments in defining, evaluating and controlling their activity, in particular with the aim of exploring the possibilities of making progress on the creation of the office of European Public Prosecutor;

142. States that efforts to fight financial and economic crime should be continued and even stepped up; states that, in this context, it is particularly important to protect the euro as a symbol of the Union; states that combating counterfeiting and consolidating and strengthening the Pericles Programme should be among the EU's principal aims;

143. Calls for the revision of Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ⁽²⁾ as well as of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽³⁾ and Article 13 of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽⁴⁾;

⁽¹⁾ Joined cases C-402/05 P and C-415/05 P, *Kadi v Council and Commission* [2008] ECR I-6351.

⁽²⁾ OJ L 350, 30.12.2008, p. 60.

⁽³⁾ OJ L 8, 12.1.2001, p. 1.

⁽⁴⁾ OJ L 281, 23.11.1995, p. 31.

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144. Calls for closer and more in-depth cooperation between national administrations, European agencies and joint operative teams via specialised networks (such as the SIS II, the VIS, the Customs Information System, Eurodac – a system for the comparison of fingerprints for the effective application of the Dublin Convention – and the judicial networks) and for specific cooperation between intelligence and police services at national and European level in the fight against terrorism and organised crime; considers that more effective European police cooperation should be guaranteed among all third countries and Member States of the European Union with appropriate safeguards ensuring an adequate level of protection of personal data;

145. Deplores the lack of progress in implementing the upgraded SIS II and the new VIS, and urges the Commission and the Member States to ensure that all preparations at their respective levels are reinforced so as to avoid further delays;

146. Stresses the need to develop efficient, sustainable and secure administrative arrangements for major European IT systems such as SIS II, VIS and Eurodac, thereby ensuring that all the rules applicable to such systems, with regard to purpose and rights of access as well as security and data-protection provisions, are implemented in full; emphasises in this regard that it is essential for the EU to have a comprehensive, uniform set of rules on the protection of personal data;

147. Recalls that in certain areas the creation of agencies, for instance the FRA, Eurojust, Europol, Frontex and the EASO, has been very useful for the establishment of an AFSJ; considers that, given that Schengen is the core of the AFSJ, it is fundamental and vital to create an European agency for the management of substantial information systems in this area, namely SIS II, VIS and Eurodac, because this is the most reliable solution;

148. Deplores the fact that the Lisbon Treaty will enter into force without the Council and the Commission having adequately prepared the measures needed for a 'new start' in the AFSJ; points out that, contrary to what has been done in the European Security and Defence Policy area, notably for the External Action Service, no preparatory work has been carried out with a view to implementing the legal bases on transparency (Article 15 TFEU), data protection (Article 16 TFEU) and non-discrimination (Article 18 TFEU), and that the outcome of this situation could be a long period of legal uncertainty which will affect the AFSJ in particular; asks the Commission, in view of the above and with reference to Article 265 of the TFEU, to submit the following under the ordinary legislative procedure before 1 September 2010:

- a framework legislative proposal outlining the involvement of the European Parliament and national parliaments in the evaluation of AFSJ policies and of the agencies involved at European level (including the Schengen authorities, Europol, Eurojust, Frontex and the EASO);
- a revised mandate for the FRA, covering, among other things, judicial and police cooperation in criminal matters;
- a legislative proposal implementing Article 16 of the TFEU and Article 39 of the TEU, in particular as regards the protection of data when security issues are at stake, and, at the same time, broadening the scope of Regulation (EC) No 45/2001 as regards data protection by the EU institutions;
- a revised legal framework for Europol and Eurojust, to bring them into line with the new EU legal framework;

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Urgent matters

149. Calls on the Commission to propose forthwith a consolidation of the 1 200 divers measures adopted in the AFSJ since 1993 in order to bring coherence in this policy area, whilst taking account of the Union's new missions and roles as well as of the new legal framework offered by the Treaty of Lisbon, starting with areas considered as priorities in agreement with the European Parliament; reminds the Commission that Parliament will assess its commitments on this during the forthcoming Commissioner hearings; asks the Commission therefore to state clearly, on a case-by-case basis, which proposals it intends to codify or recast, and reserves the right to make full use of its power to amend legislation; considers that the new AFSJ legal framework should be given priority over the need for continuity or consolidation of legislation that was shaped in a substantially different constitutional framework;

150. Stresses that, in particular for AFSJ-related legislative proposals, the decision-making process should, from the first day after the entry into force of the Lisbon Treaty, be transparent and in keeping with the rules dealing with

- the eight-week period during which the national parliaments may verify compliance with the criterion of subsidiarity,
- the specific opt-ins/opt-outs granted to some countries (the United Kingdom, Ireland and Denmark),
- and the new delegated power (Article 290 TFEU) and the implementing measures that are provided for in Article 291 TFEU, but for which there is currently no legal basis;

is of the opinion that, in cases where a legislative procedure has started under the provisions of the Treaty of Nice providing for mere consultation of Parliament, as is the case in many areas of the AFSJ, and Parliament's opinion has been delivered, the legislative procedure should recommence under the Treaty of Lisbon at first reading in order to give Parliament the opportunity to express its views in awareness of its prerogatives;

151. Stresses that, contrary to what was stated in the Presidency's draft Stockholm programme, when fundamental rights are at stake EU external policy should comply with the EU's internal legal framework and not the reverse; asks to be informed immediately of planned or pending negotiations on international agreements with a bearing on the AFSJ, in particular those founded on Articles 24 and 38 of the current EU Treaty; considers that special priority should be given to formulating, before the next EU-US summit, a coherent common strategy for future relations with the USA in connection with the AFSJ, in particular as regards the conclusion of the following pending agreements:

- the former 'Community track' of the ESTA visa waiver agreement,
- the EU-US passenger name records agreement,
- the EU-US agreement on access to financial data (SWIFT), with due reference to the EU-US agreements on mutual legal assistance and on extradition,
- the EU-US framework for protecting data exchanged for security purposes;

152. Calls on the Commission to simplify the financial programmes established to support the creation of the AFSJ and to make them more accessible; in this context, underlines the need for financial solidarity in the preparation of new financial perspectives;

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153. Reserves the right to come back with specific proposals when it is consulted on the legislative action programme;

154. Calls for a mid-term review and evaluation of the Stockholm programme by early 2012;

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

Euro-Mediterranean economic and trade partnership

P7_TA(2009)0091

European Parliament resolution of 25 November 2009 on the Euro-Mediterranean economic and trade partnership ahead of the 8th Euromed Ministerial Conference on Trade – Brussels – 9 December 2009

(2010/C 285 E/03)

The European Parliament,

- having regard to the Barcelona Declaration, adopted at the first Euromed Ministerial Conference held on 27-28 November 1995, which established a partnership between the European Union and the southern and eastern Mediterranean countries (SEMCS),
- having regard to the Commission's Communication of 11 March 2003 entitled 'Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours' (COM(2003)0104); to its European Neighbourhood Policy (ENP) strategy paper of 12 May 2004 (COM(2004)0373); to its Communication of 9 December 2004 on its proposals for action plans under the ENP (COM(2004)0795); to the action plans for Israel, Jordan, Morocco, the Palestinian Authority, Tunisia and Lebanon, and to Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument ⁽¹⁾,
- having regard to the Euro-Mediterranean Association Agreements between the European Communities and their Member States, of the one part, and Tunisia ⁽²⁾, Israel ⁽³⁾, Morocco ⁽⁴⁾, Jordan ⁽⁵⁾, Egypt ⁽⁶⁾, Lebanon ⁽⁷⁾ and Algeria ⁽⁸⁾, of the other part, and the Euro-Mediterranean Interim Association Agreement on Trade and Cooperation between the Communities and the Palestinian Liberation Organization (PLO) (for the benefit of the Palestinian Authority) ⁽⁹⁾;

⁽¹⁾ OJ L 310, 9.11.2006, p. 1.

⁽²⁾ OJ L 97, 30.3.1998, p. 2.

⁽³⁾ OJ L 147, 21.6.2000, p. 3.

⁽⁴⁾ OJ L 70, 18.3.2000, p. 2.

⁽⁵⁾ OJ L 129, 15.5.2002, p. 3.

⁽⁶⁾ OJ L 304, 30.9.2004, p. 39.

⁽⁷⁾ OJ L 143, 30.5.2006, p. 2.

⁽⁸⁾ OJ L 265, 10.10.2005, p. 2.

⁽⁹⁾ OJ L 187, 16.7.1997, p. 3.

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- having regard to Decision No 1/95 of the EC-Turkey Association Council of 22 December 1995 on implementing the final phase of the Customs Union ⁽¹⁾,

- having regard to the free trade agreement, known as the Agadir Agreement, signed by Jordan, Egypt, Tunisia and Morocco on 25 February 2004,

- having regard to the conclusions of the Euro-Mediterranean Ministerial Conferences and Sectoral Ministerial Conferences that have taken place since the launch of the Barcelona Process, and particularly the conclusions of the 6th Euro-Mediterranean Ministerial Conference on Trade held in Lisbon on 21 October 2007 and the 7th Euro-Mediterranean Ministerial Conference on Trade held in Marseilles on 2 July 2008,

- having regard to the Paris Summit for the Mediterranean of Euro-Mediterranean Heads of State and Government of 13 July 2008 which created the Union for the Mediterranean (UfM),

- having regard to the sustainability impact assessment (SIA) of the Euro-Mediterranean Free Trade Area (FTA) drawn up by Manchester University's Institute for Development Policy and Management,

- having regard to the final declaration of the Euromed Summit of Economic and Social Councils and Similar Institutions held in Alexandria on 18 and 19 October 2009,

- having regard to the meeting of Euro-Mediterranean Trade Senior Officials held on 11 November 2009 in Brussels,

- having regard to its previous resolutions on the EU's Mediterranean policy, in particular that of 15 March 2007 on the construction of the Euro-Mediterranean free trade zone ⁽²⁾ and that of 19 February 2009 on the Barcelona Process: Union for the Mediterranean ⁽³⁾,

- having regard to Rule 115(5) of its Rules of Procedure,

- A. whereas the 1995 Barcelona Conference launched a very ambitious project, namely the creation of new and closer political, economic, social and cultural ties between the northern and southern shores of the Mediterranean, and whereas that project is still a long way from completion,

- B. whereas the process of establishing the UfM, which is intended to revitalise the Euro-Mediterranean integration process by means of concrete and visible projects, is still under way; whereas no Euromed meetings were scheduled between January and July 2009 because of the conflict in the Gaza Strip,

⁽¹⁾ OJ L 35, 13.2.1996, p. 1.

⁽²⁾ OJ C 301 E, 13.12.2007, p. 210.

⁽³⁾ Texts adopted, P6_TA(2009)0077.

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- C. whereas the meeting of Euromed Foreign Affairs Ministers which was to have been held in Istanbul on 24-25 November 2009 has had to be postponed owing to a boycott by the Arab States, in protest against the Israeli position on the Middle East peace process,
- D. whereas the EU has signed association agreements with all its southern Mediterranean partners, with the exception of Syria and Libya; whereas the negotiations with Syria for an association agreement have been concluded, but its signing was postponed by Syria, and whereas the Commission has opened negotiations with Libya,
- E. whereas the bilateral approach, which is a component of any such process and a consequence of the specific cultural, social, economic and political differences between the countries involved, should be led and supported by a more global vision and plan for relations among the various partners, and thus accompanied by a regional approach,
- F. whereas the two shores of the Mediterranean continue to present a strikingly asymmetrical picture in economic, social and demographic terms, evidencing a wealth gap which is at the roots of instability and migratory and environmental pressures in the region; whereas there are significant differences between the Mediterranean countries in terms of development; and whereas more than 30 % of the population in the SEMCs lives on less than USD 2 a day,
- G. whereas the economies of the SEMCs are highly dependent on foreign trade; whereas around 50 % of their trade flows are to the EU, although they account for only 8 % of the EU's external trade, with a positive balance for the EU; and whereas the export structures of the SEMCs are very poorly diversified and these countries remain specialised in sectors which bring little in the way of growth,
- H. whereas the EU is the major foreign investor in the region but foreign direct investments (FDIs) remain very low there compared to other parts of the world, and whereas there are great differences, from one country to another, in the capacity to attract FDIs,
- I. whereas South-South regional integration is far from being achieved, and whereas South-South trade flows are underdeveloped, accounting for only 6 % of the SEMCs total trade,
- J. whereas this situation could have very harmful effects on the Euro-Mediterranean integration process, and on the food security and sovereignty of the SEMCs in particular, by exacerbating the effects of trade concentration, such as increasing dependence on a few – mainly agricultural – items exported to the EU while in parallel increasing the need for basic food imports, and therefore not benefitting the SEMCs and their enterprises,
- K. whereas the SEMCs must remove the political and economic obstacles which are currently standing in the way of the integration process throughout the area in order to achieve more fruitful collaboration amongst themselves,
- L. whereas textiles, clothing and footwear producers on the two shores of the Mediterranean are losing much of their market shares owing to a globalised marketplace and strong competition from Asia,

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- M. whereas the FTA, if it is to have real positive effects, should boost the integration of the SEMCs into international trade and ensure their economic diversification, with fair sharing of the resultant benefits, in order to achieve the main objective of the Euro-Mediterranean economic and trade partnership, namely the reduction of the development gap between the northern and southern shores of the Mediterranean,
- N. whereas the effects of the economic and financial crisis have aggravated the already existing political, economic and social challenges in the partner countries, particularly in relation to the problem of unemployment; whereas it is in the common interest of those countries and the EU to bring down unemployment rates in the region and to offer decent prospects to the populations concerned, particularly women, young people and the rural population,
1. While acknowledging certain improvements, deplores the fact that the Euro-Mediterranean partnership's main objectives are still far from being achieved; stresses that the success of this process, and of the FTA in particular, which could contribute to peace, prosperity and security in the entire region, requires a sustained and convergent effort from all parties and greater involvement of civil society and of the people on both shores of the Mediterranean;
 2. Considers that numerous difficulties, not only economic but also political, such as the Middle East conflict, have had a considerable negative impact on the progress and development of this process, and of the FTA in particular; deplores the fact that for these same political reasons, the ministerial meeting of Euromed Foreign Affairs Ministers which was to have been held on 24-25 November 2009 in Istanbul was postponed and the UfM is not moving forward;
 3. Recalls the definition in the UfM of significant projects in strategic sectors, such as the building up of new infrastructures, cooperation between small and medium-sized enterprises (SMEs), communications and the exploitation of renewable energy sources, in order to contribute to the development and to the facilitation of Euro-Mediterranean trade and investments; calls for meetings scheduled within the UfM framework to continue to be held and for a permanent secretariat to be established in Barcelona;
 4. Regards the current obstacles as an indication that the deepening of economic relations must progress hand-in-hand with a deepening of political relations; believes that genuine regional and economic integration can be achieved only if concrete progress is made in settling existing conflicts and in the field of democracy and human rights;
 5. Calls on the Commission, the Member States and the SEMCs to take into account the effects of the financial, economic and environmental crisis by incorporating social and environmental concerns into the economic and trade partnership to a greater extent; calls on the governments of the SEMCs to implement consistent and effective employment and social protection policies in order to mitigate the effects of the crisis;
 6. Points out in this regard that the objective of the FTA cannot be measured simply in terms of economic growth, but also, and above all, in terms of job creation; points out that youth and female unemployment is the most pressing social issue in the Mediterranean countries;
 7. Underlines the importance of the regional integration of the SEMCs and of increasing South-South trade; regrets that South-South cooperation is still under-developed;

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8. Strongly encourages the SEMCs to develop South-South trade, taking their lead from the Agadir Agreement signed by Egypt, Jordan, Morocco and Tunisia; regards this measure as essential to regional integration; calls on the other countries in the region to join that agreement to further develop the integration initiatives in which the SEMCs are engaged and to exploit synergies with the deepening of the Euro-Mediterranean Association Agreements between SEMCs and the EU; stresses that the EU institutions must respond positively to requests for technical and financial support to promote such South-South economic integration;
9. Considers that the cumulation of origin system should be strengthened, since it is a useful customs tool for revitalising trade in the area, and that rules of origin should be updated and simplified in order to take account of the interests of the Euromed partners; calls on the Euro-Mediterranean trade ministers to endorse the regional convention on the Pan-Euro-Mediterranean system of rules of origin, which paves the way for simplification of rules of origin, and to take further steps towards implementing the Pan-Euro-Mediterranean cumulation of origin system;
10. Notes that Euro-Mediterranean trade ministers are due to discuss measures to address the current weakness of Euromed trade and economic relations, a new Euro-Mediterranean Trade Road Map and a new mechanism for facilitating trade and investment in the region; welcomes all common initiatives to revisit the existing association agreements in the light of new economic requirements and challenges;
11. Stresses that these discussions must take place in a context of mutual trust and respect between partners in order to ensure the right of the SEMCs to control the speed with which they open up their trade and to control their national strategies for economic and social development; recalls that negotiations on the FTA should be planned on a concerted, gradual basis in the context of a rational, predictable partnership reflecting the socio-economic realities of the SEMCs;
12. Stresses that any further liberalisation in the field of agriculture and fisheries should take into account the need to protect sensitive goods while assessing systematically the social impact of liberalisation processes and plant health standards; calls on Euromed trade ministers to ensure that this process is gradual, bearing in mind the time needed to implement equitable tax reforms designed to offset the reduction in customs-related fiscal revenues; calls on the Euro-Mediterranean partners to consider the concept of an integrated Euro-Mediterranean agricultural policy founded on supply-chain complementarity and on a viable water policy and prioritising food-sovereignty needs over commercial considerations;
13. Regards the services sector as essential for the SEMCs development; believes that any liberalisation of services should take place on a basis agreed with the SEMCs, whereby they would have the right to phase in and control the opening-up of sensitive and vulnerable sectors of their economies; considers that a distinction must be made between commercial services and public services;
14. Calls for the timetable for liberalisation of the industrial sector to be adjusted on the basis of the economic and social conditions in each country, including the level of unemployment and its impact on the environment; stresses that the economic and trade partnership should promote greater diversification in industrial goods production as well as higher added value; calls on the SEMCs to establish regional policies that take into account the role of very small enterprises and SMEs;
15. Notes that Euro-Mediterranean textile producers face major difficulties in the context of growing global competition; draws attention to the need to strengthen the North-South partnership, in order to keep Euro-Mediterranean textiles and clothing production and trade competitive, and to promote SEMCs activities with higher added value, based on creativity and innovation, and not only on business outsourcing;

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16. Stresses the need to foster investment security in the Mediterranean region, through a system which coordinates SME-targeted strategies and covers multiple fields: safeguards, financing, information and networking of SMEs;
17. Considers that the new proposal to establish a Euro-Mediterranean investment facilitation mechanism is a significant step towards centralising and disseminating information via a single network, which should enable economic operators to gain a comprehensive picture of trade and investment conditions in the region; emphasises that the instrument should complement existing networks;
18. Draws attention to the need to create a Euro-Mediterranean Investment and Development Bank, which would secure donors from both shores of the Mediterranean and would be able to attract the FDIs which the Euro-Mediterranean region is lacking;
19. Welcomes the creation of the 'Inframed' fund, which was announced within the framework of the UfM, as a long-term investment fund to finance infrastructure projects;
20. Takes the view that the UfM should step up existing forms of cooperation under Euromed in order to offer all partner countries the chance of participating in the EU's programmes and corresponding policies on the basis of priorities and objectives set by mutual agreement; points out that it is important to extend the scope of Community programmes further to encompass participation by partner countries, particularly in the fields of cross-border cooperation (InterReg), education, research and professional training (student exchanges, etc.);
21. Encourages the use of solar and wind energy in the Mediterranean region; welcomes recent initiatives such as the 'Plan Solaire' and the initial ideas under the Desertec Industrial Initiative to develop the vast potential for solar energy in the Middle East and north Africa, but regrets that actions are still conceived too much on a national basis; stresses that EU action in relation to the Desertec project must be coherent and make an active contribution to the endogenous development of North African and Middle Eastern countries and calls on the Commission to coordinate the EU's efforts pro-actively;
22. Notes with concern the conclusions of the SIA; calls on the Commission to systematically follow the recommendations of the SIA with regard to the social and environmental impact of the liberalisation process in order to take account of the dimensions of social cohesion and sustainable development; stresses, furthermore, that this impact may vary significantly from one sector to another and from one country to another; underlines, with a view to achieving real social progress, the importance of promoting, within the economic and trade partnership, decent work and codes of conduct negotiated with multi-nationals which incorporate the objectives of providing decent employment;
23. Takes the view that the FTA should be complemented by the phased introduction, subject to conditions, of free movement for workers, while taking account of the situation on the European employment market and current thinking in the international community on the links between migration and development; regards it as a matter of urgency to establish legal and administrative procedures to facilitate the granting of visas, in particular for the stakeholders in the Euro-Mediterranean partnership, students, university staff and socio-economic players; stresses that it is important and necessary to reduce the cost of transfers of remittances by migrant workers so as to maximise their use in the local economy;

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24. Asks the Commission to keep it fully informed about progress on the association agreement with Syria, the signing of which was recently postponed by Syria; considers that there are some concerns, such as bringing Libya back into negotiations for an association agreement and, more generally, into the UfM; asks the Commission to keep it fully informed and involved and to consult it at every stage in the negotiations;

25. Notes, too, that several Mediterranean countries have expressed interest in deepening and/or widening their trade agreements with the EU, and asks the Commission, in view of the new powers in relation to trade conferred on Parliament by the Treaty of Lisbon, to take an earlier resolution by Parliament into account when negotiating these new agreements;

26. Stresses that bilateral approaches should not be at the expense of a multilateral regional approach; believes that, while advocating closer cooperation with the most advanced partners, and with due regard for their specific political, cultural and social characteristics, the Commission must maintain the principle of region-to-region negotiations;

27. Stresses that, in view of the Palestinian situation, specific and special measures should be taken to assist the population with a view to integrating this area into Mediterranean trade flows; in that respect, considers that a solution should be found to address the issue of certification of origin and subsequent preferential treatment under the EC-Israel Association Agreement applicable to goods coming from the Gaza Strip and the West Bank;

28. Considers that a balanced Road Map based on a broad consensus and, inter-alia, a positive social and environmental impact assessment, could be a useful instrument for relaunching economic and trade cooperation in coming years; calls, therefore, on the Euro-Mediterranean Trade Ministers to endorse it at their ministerial meeting in December 2009; calls on the Euro-Mediterranean Trade Senior Officials to monitor the implementation of the Road Map in the coming years and propose any necessary adjustments, and asks to be kept informed of such measures;

29. Stresses that the process of Euro-Mediterranean integration must, once again, become a political priority for the EU;

30. Stresses the role of the Euro-Mediterranean Parliamentary Assembly (EMPA) within the partnership, as the democratic body bringing together parliamentarians from both shores of the Mediterranean around the three pillars of the Barcelona Process; calls, finally, for stronger cooperation on economic affairs between the EMPA and the Commission and Council;

31. Instructs its President to forward this resolution to the Council and the Commission, to the Heads of State and Government, to the Parliaments of the Member States and of the SEMCs and to the EMPA.

Wednesday 25 November 2009

Passenger compensation in the event of airline bankruptcy

P7_TA(2009)0092

European Parliament resolution of 25 November 2009 on passenger compensation in the event of airline bankruptcy

(2010/C 285 E/04)

The European Parliament,

- having regard to the question of 15 October 2009 to the Commission on passenger compensation in the event of airline bankruptcy (O-0089/09 – B7 0210/2009),
 - having regard to Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours ⁽¹⁾,
 - having regard to Council Regulation (EC) No 2027/97 of 9 October 1997 on air carrier liability in respect of the carriage of passengers and their baggage by air ⁽²⁾,
 - having regard to Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators ⁽³⁾,
 - having regard to Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights ⁽⁴⁾,
 - having regard to Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community ⁽⁵⁾,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas Directive 90/314/EEC (the Travel Package Directive) regulates aspects of the package holiday business and provides for appropriate compensation to, and repatriation, of consumers in the event of the bankruptcy of package holiday firms,
- B. whereas Regulation (EC) No 2027/97 establishes the nature of air carriers' liability in the event of accidents and compensation arrangements for passengers,
- C. whereas Regulation (EC) No 785/2004 lays down the insurance requirements air carriers and aircraft operators must meet,

⁽¹⁾ OJ L 158, 23.6.1990, p. 59.

⁽²⁾ OJ L 285, 17.10.1997, p. 1.

⁽³⁾ OJ L 138, 30.4.2004, p. 1.

⁽⁴⁾ OJ L 46, 17.2.2004, p. 1.

⁽⁵⁾ OJ L 293, 31.10.2008, p. 3.

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- D. whereas Regulation (EC) No 261/2004 provides for compensation for and assistance to passengers who are denied boarding or whose flights are subject to cancellation or long delay,
- E. whereas Regulation (EC) No 1008/2008 establishes stringent financial rules for aircraft operators,
- F. whereas there has been substantial growth in the last decade in the number of relatively small low-cost carriers flying to well-known holiday destinations and the number of passengers they carry,
- G. whereas there have been 77 bankruptcies in the aviation sector in the last nine years, resulting in some instances in many thousands of passengers being stranded at their destinations and unable to use the return portion of their flight ticket,
1. Notes that the Commission has undertaken a wide-ranging consultation of stakeholders on the question of airline bankruptcy;
 2. Recalls that the Commission undertook a major study of the difficulties surrounding airline bankruptcy and its impact on passengers and forwarded its findings to Parliament in February 2009;
 3. Notes the findings of that study and the range of options which it examines;
 4. Recalls in this regard that there are a number of options which the Commission could pursue to strengthen the position of passengers of bankrupt airlines, including compulsory insurance for airlines, a voluntary insurance arrangement for passengers which airlines would be required to propose, and the establishment of a guarantee fund;
 5. Calls on the Commission to examine the possibility of a legislative proposal which has as its specific objective the provision of compensation for passengers of airlines which go bankrupt and which establishes financial and administrative arrangements, including the principle of collective responsibility, whereby all airlines flying the same route with available seats would ensure repatriation for passengers who are stranded at non-home airports in the event of airline bankruptcy, and, if it considers it appropriate, to submit such a legislative proposal by 1 July 2010; asks the Commission to propose, when reviewing the Travel Package Directive, an extension for repatriation or re-routing for the passengers concerned;
 6. Calls on the Commission to consider the possibility of extending such measures to airlines which have ceased operations and caused passengers similar inconvenience to that caused by airlines which go into bankruptcy;
 7. Calls on the Commission to investigate the quick release of impounded aircraft by national regulatory bodies so that those aircraft can be used to bring stranded people home;
 8. Instructs its President to forward this resolution to the Council, the Commission and governments and parliaments of the Member States.
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Wednesday 25 November 2009

Origin marking

P7_TA(2009)0093

European Parliament resolution of 25 November 2009 on origin marking

(2010/C 285 E/05)

The European Parliament,

- having regard to Council Regulation (EC) No 980/2005 of 27 June 2005 applying a scheme of generalised tariff preferences ⁽¹⁾,
 - having regard to Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market ⁽²⁾,
 - having regard to Article IX and Article XXIV:5 of the General Agreement on Tariffs and Trade (GATT 1994),
 - having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽³⁾ and Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 ⁽⁴⁾, which set out the Community's non-preferential rules of origin system,
 - having regard to Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty ⁽⁵⁾,
 - having regard to its resolution of 5 February 2009 on enhancing the role of European SMEs in international trade ⁽⁶⁾,
 - having regard to its resolution of 6 July 2006 on origin marking ⁽⁷⁾,
 - having regard to its declaration on origin marking ⁽⁸⁾,
 - having regard to the Commission proposal of 16 December 2005 for a Council regulation on the indication of the country of origin of certain products imported from third countries (COM(2005)0661),
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas, at present, the EU does not have any harmonised provisions or uniform practices on origin marking in the EU; whereas disparities between regulations in force in the Member States as well as the absence of clear Community rules in this area are resulting in a fragmented legal framework,

⁽¹⁾ OJ L 169, 30.6.2005, p. 1.

⁽²⁾ OJ L 149, 11.6.2005, p. 22.

⁽³⁾ OJ L 302, 19.10.1992, p. 1.

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁵⁾ OJ L 105, 23.4.1983, p. 1.

⁽⁶⁾ Texts adopted, P6_TA(2009)0048.

⁽⁷⁾ OJ C 303 E, 13.12.2006, p. 881.

⁽⁸⁾ OJ C 323 E, 18.12.2008, p. 140.

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- B. whereas national measures imposing compulsory origin marking on goods imported from other Member States are prohibited, while there is no such limitation on compulsory origin marking on goods imported from third countries,
- C. whereas a number of the EU's major trading partners, such as the United States, China, Japan and Canada, have enacted mandatory origin-marking requirements,
- D. whereas, in the Lisbon Agenda, the EU set itself the objective of strengthening its economy by, inter alia, improving the competitiveness of its industry in the world economy; whereas competition can be considered fair when it operates with clear rules for producers as well as for exporters and importers and when it is built on common social and environmental assumptions and values,
- E. whereas an origin marking scheme would have the aim of allowing consumers to be fully aware of the country of origin of the products they purchase; whereas consumers would thus be able to identify those products with the social, environmental and safety standards generally associated with that country,
- F. whereas the proposal to introduce a mandatory country of origin marking system in the EU is restricted to a limited number of imported products, such as textiles, jewellery, apparel, footwear, furniture, leather, lamps and light fittings, glassware, ceramics and handbags, for which the 'made in' requirement provides valuable information for final consumer choice,
- G. whereas it is crucial to ensure a level playing field with producers of those major partners of the European Union which have implemented origin marking,
- H. whereas the entry into force of the Treaty of Lisbon on 1 December 2009 will put Parliament and the Council on an equal footing regarding the common commercial policy; whereas under Article 207 of the Treaty on the Functioning of the European Union the ordinary legislative procedure will apply to future regulation on origin marking,
1. Reiterates that consumer protection requires transparent and consistent trade rules, including indications of origin;
 2. Calls on the Commission and the Council to take all necessary steps to ensure a level playing field with trading partners which have enacted origin-marking requirements;
 3. Calls on the Commission and the Council to set up proper customs surveillance and enforcement mechanisms;
 4. Urges Member States to maintain a consistent Community approach to this issue so as to enable consumers to receive more complete and accurate information; regards compulsory origin marking as an important step towards more complete information about social and environmental production and processing standards;
 5. Encourages the Commission strongly to intervene, together with the Member States, to defend consumers' legitimate rights and expectations whenever there is evidence of fraudulent or misleading origin marking by importers and third country producers;
 6. Considers the above-mentioned proposal for a Council regulation introducing compulsory indications of the country of origin of certain products imported from third countries into the European Union useful in reaching the objective of transparency and appropriate information for the consumer as well as consistency in international trade rules;

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7. Considers that, from 1 December 2009, in the context of the ordinary legislative procedure introduced by the Treaty of Lisbon, consultation and exchanges of views between Parliament and the Council should formally start and that any further delay would seriously damage citizens' rights, employment in the EU and the principle of free and fair trade;

 8. Calls on the Commission to maintain its proposal unchanged and resubmit it to Parliament in accordance with Article 207 of the Treaty on the Functioning of the European Union immediately after the Treaty of Lisbon enters into force;

 9. Instructs its President to forward this resolution to the Council and the Commission.
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Thursday 26 November 2009

Enlargement strategy 2009 concerning the countries of the western Balkans, Iceland and Turkey

P7_TA(2009)0097

European Parliament resolution of 26 November 2009 on the Commission's 2009 enlargement strategy paper concerning the Western Balkan countries, Iceland and Turkey

(2010/C 285 E/06)

The European Parliament,

- having regard to the communication from the Commission entitled 'Enlargement Strategy and Main Challenges 2009-2010' (COM(2009)0533), and the accompanying 2009 Country Progress Reports,
 - having regard to its resolutions of 16 March 2006 on the Commission's 2005 enlargement paper ⁽¹⁾, of 13 December 2006 on the Commission's Communication on the Enlargement Strategy and Main Challenges 2006–2007 ⁽²⁾, and of 10 July 2008 on the Commission's 2007 enlargement strategy paper ⁽³⁾,
 - having regard to its previous resolutions on the countries of the Western Balkans and Turkey,
 - having regard to the Commission Communication of 14 October 2009 entitled 'Kosovo (*) – Fulfilling its European Perspective' (COM(2009)0534),
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas, on the basis of Article 49 of the EU Treaty, '[any] European State ... may apply to become a member of the Union',
- B. whereas the future of the Western Balkans lies with the European Union, as reaffirmed by the Thessaloniki European Council of 19-20 June 2003, the Brussels European Council of 15-16 June 2006 and subsequent summits; whereas all the existing commitments made to the south-east European countries should be honoured,
- C. whereas Turkey has been a candidate country since 1999, Croatia since 2004 and the former Yugoslav Republic of Macedonia since 2005; whereas Albania, Montenegro and Iceland have applied for membership of the Union and the Commission is in the process of evaluating the applications of Montenegro and Iceland; whereas Stabilisation and Association Agreements have been signed with Bosnia and Herzegovina (BiH) and with Serbia; and whereas the Commission has announced its intention to propose trade agreements and visa liberalisation for Kosovo in the medium term,
- D. whereas, since previous enlargements have undoubtedly been a success both for the EU and for the Member States which joined it and have contributed to the stability, development and prosperity of Europe as a whole, it is essential to create the conditions needed to ensure that future enlargements are a success too,

⁽¹⁾ OJ C 291 E, 30.11.2006, p. 402.⁽²⁾ OJ C 317 E, 23.12.2006, p. 480.⁽³⁾ Texts adopted, P6_TA(2008)0363.

(*) Under UNSCR 1244/1999.

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- E. whereas the enlargement strategy must be much more than a negotiating methodology, reflecting the core belief that the EU is a community of shared values, and is inextricably linked to the debate on the EU's objectives and effectiveness, its future and its role in the neighbourhood and the world,
- F. whereas a number of candidates and potential candidates for EU membership continue to have unresolved issues with their neighbours; whereas regional cooperation and good neighbourly relations remain key factors in the integration process,
1. Remains strongly committed to the enlargement policy, which has proved to be one of the most successful of all EU policies and has benefited both existing and new Member States; recalls that previous enlargements have contributed to an unprecedented extension of the area of peace, security and prosperity in Europe, and reaffirms the commitment of the European Union to keeping up the enlargement process;
 2. Believes that lessons can be learned from previous enlargements and that further ways of improving the quality of the enlargement process must be based on the positive experiences accumulated so far; also recalls, as indicated in previous resolutions, the need to allow for adequate institutional, financial and political consolidation whilst pursuing the enlargement process;
 3. Emphasises that the principles expressed in the Presidency conclusions of the Brussels European Council meeting of 14-15 December 2006 concerning the 'renewed consensus on enlargement', in particular the European Union's ability to function effectively and to develop, must remain indispensable tenets of the EU enlargement policy;
 4. Reaffirms that a firm commitment to full and rigorous compliance with all the criteria established at the Copenhagen European Council of 21 and 22 June 1993 by candidate countries as well as by the European Union is imperative, including for the European Union's integration capacity;
 5. Calls on the EU institutions to analyse and increase the integration capacity of the European Union;
 6. Stresses that the rule of law is a key principle of democratic, economic and social development and one of the main conditions for EU accession; welcomes the efforts made in the region in implementing respective reforms but notes that some countries continue to face major challenges, particularly in the fight against corruption and organised crime; urges those countries to intensify their efforts in this field;
 7. Stresses that freedom of expression is one of the fundamental principles of democracy and observes with concern that in some countries it is not yet fully respected; considers it to be a priority for the Western Balkans and Turkey to ensure the freedom of media from political interference and to guarantee the independence of the regulatory bodies; calls on the countries concerned to set up proper legal frameworks and to ensure that the law is respected;
 8. Emphasises that full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) constitutes a fundamental condition for the Western Balkans countries to make progress on the path to membership of the Union, but points out that, equally importantly, redress for war crimes should be seen by society in those countries as a vital step to bring justice to the victims and to facilitate regional reconciliation;

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9. Emphasises the importance of good neighbourly relations as a prerequisite for regional stability and cooperation and for an unhindered enlargement process; therefore, calls on all the countries concerned to make every possible effort to resolve their disagreements with their neighbours in the early stages of the enlargement process; stresses, however, that such bilateral disputes should be resolved by the parties concerned; suggests that if the parties concerned fail to resolve such disputes, the European Union should make all efforts to bring about a solution; points out that while such disputes should not, in themselves, constitute an obstacle to progress towards accession, the European Union should avoid being encumbered by such outstanding bilateral disputes and should endeavour to resolve them before accession;

10. Notes with concern the economic problems facing the Western Balkans region as a result of the financial crisis; welcomes the Commission's willingness to provide extraordinary financial aid, such as macro-economic assistance and direct budget support; stresses that the situation is particularly difficult in view of high poverty and unemployment levels in some of the countries concerned; calls on the Commission and on the countries themselves to make every possible effort to mitigate the effects of the crisis, particularly on the most vulnerable members of society;

11. Underlines the importance of regional cooperation in the Western Balkans as an important factor for the enlargement process and at the same time as a vital element of the reconciliation process, enhancing people-to-people contacts; moreover, recalls the benefits of such cooperation in terms of increased trade volumes, energy security, enhanced by diversifying energy suppliers, sources and supply routes, environmental policies and the fight against organised crime and trafficking; to this end, notes with satisfaction the work of the Regional Cooperation Council; calls for more political will and better coordination for the implementation of the anti-trafficking strategy, particularly regarding victim protection; stresses that regional political and economic cooperation must include all the political players as well as civil society, in particular women's organisations, and should not be hampered by bilateral political problems; in this respect, calls on all parties concerned to seek pragmatic solutions with a view to ensuring the inclusiveness of regional cooperation, without prejudice to the differing positions on the status of Kosovo;

12. Calls on all countries concerned to make a greater effort in the area of women's rights and gender equality, particularly as regards combating gender violence, promoting access to legal remedies for gender discrimination and furthering the political participation of women;

13. Considers it crucial to encourage increased participation of civil society and non-governmental organisations (NGOs) at both central and local level as well as to improve support and funding for NGOs, to encourage their participation in the planning and the use of the Instrument for Pre-Accession Civil Society Facility, and to improve the social dialogue in the labour market;

14. Calls on the countries in the region to make greater efforts to improve the situation of ethnic minorities, and in particular the Roma; emphasises that the Roma are frequently victims of discrimination, and that, in particular, their participation in decision-making processes, in the labour market and in mainstream education systems should be greatly increased; in this regard, takes note of the bilaterally agreed readmission agreements concluded by the Western Balkan countries with the Member States, and calls on the countries concerned to step up their efforts to create appropriate social conditions, infrastructure and access to public services in order to ensure the fundamental rights of the Roma and to facilitate their reintegration after their return; calls on Western Balkan countries and the Member States to follow up closely the reintegration of the repatriated Roma and to report back on the achievements reached to the Commission on an annual basis in order to facilitate the evaluation of the reintegration policies and the exchange of best practices;

15. Stresses the vital importance of the process of visa liberalisation for the Western Balkan countries; welcomes the fact that the former Yugoslav Republic of Macedonia, Montenegro and Serbia have met the criteria for visa liberalisation so that the visa-free regime is expected to apply for their citizens from

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19 December 2009; welcomes the actions taken by the BiH and Albanian authorities to accelerate meeting the conditions of the roadmap on the visa-free travel regime and urges them to advance preparations in order to fulfil all relevant criteria so that visa liberalisation for citizens of those countries can apply from July 2010; considers that, with the aim of furthering the implementation of the Thessaloniki agenda and as part of its regional approach, the Commission, within the limits of its competence and in the light of UN Security Council resolution 1244 of 10 June 1999, should start the visa dialogue with Kosovo as soon as possible with a view to establishing a roadmap for visa facilitation and liberalisation similar to those established with Western Balkan countries;

16. Urges all countries in the region to adopt or effectively implement laws on the prohibition of discrimination as soon as possible, particularly in light of the fact that many instances of threats, attacks, intimidation, or discrimination of lesbian, gay, bisexual and transgender people remain unreported and unprosecuted;

17. Calls on the international and the Kosovar authorities to do their utmost for the immediate closure of the lead-contaminated camps for internally displaced people in Çesmin Llugë/Česmin Lug, Osterode and Leposaviq/Leposavić, which are located at the highly toxic tailing stands of the Trepça lead mine, and to ensure the very basic human rights of families living there by relocating them to secure places with decent sanitary conditions;

18. Is of the opinion that, in order to maintain the support of EU citizens for further enlargement and the commitment of the citizens of the candidate countries to continue reforms, it is crucial to present them with clear and comprehensive information on the benefits and implications of this policy; calls on the Commission and the Member States to make efforts to that end; considers it to be equally essential to listen to and address citizens concerns and questions;

19. Commends Croatia for its continued progress in meeting the criteria of accession to the Union as well as the obligations of membership; welcomes the bilateral agreement on resolving the border dispute with Slovenia, which has created the momentum to open further chapters in the accession process; considers that the accession negotiations can be concluded by mid-2010, provided that Croatia steps up its efforts and fulfils all the necessary criteria and benchmarks, including full cooperation with the ICTY;

20. Congratulates the former Yugoslav Republic of Macedonia on the progress it has achieved since the last progress report, and in particular during the last few months; notes with satisfaction that this progress has been acknowledged by the Commission, which has recommended the opening of accession negotiations with the country; calls on the Council to act in accordance with the Commission's recommendation at the summit to be held in December 2009; expects the negotiations to begin in the near future with the hope that mutually satisfactory solutions to outstanding issues with neighbouring countries can be reached, including the name issue between the former Yugoslav Republic of Macedonia and Greece; calls on the governments of both countries to intensify their efforts to this end; recalls the importance of good neighbourly relations and urges the former Yugoslav Republic of Macedonia to be sensitive on issues affecting its neighbours; notes the recent establishment of diplomatic relations with Kosovo, as well as the conclusion of the agreement on the physical demarcation of the border, as a vital contribution to regional stability;

21. Calls on the authorities of the former Yugoslav Republic of Macedonia to continue their efforts in the reform process, particularly in the fields of the reform of public administration and the judiciary, anti-corruption policy, women's rights and inter-ethnic relations, including guaranteeing the rights of persons of all ethnic backgrounds and increasing their participation in public life and administration;

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22. Commends the progress that Turkey as a candidate country has made towards fulfilment of the Copenhagen political criteria; urges the Turkish Government and all parliamentary parties in Turkey to establish consensus on the formulation and implementation of key reforms; welcomes the government's approval of the judiciary reform strategy and points out the crucial importance of its swift implementation for the functioning of the Turkish State and society; is concerned about the situation in the area of freedom of expression and freedom of the press, particularly following the unprecedented fine imposed on a media group; notes with satisfaction the increasingly open public debate in Turkey about previous taboos; regrets the limited progress made in the area of freedom of religion, and urges the government to establish a legal framework in line with the European Convention for the Protection of Human Rights and Fundamental Freedoms enabling all non-Muslim religious communities and the Alevi community to function without undue constraints; deplores the continued non-fulfilment of commitments stemming from the Additional Protocol to the EC-Turkey Association Agreement and urges Turkey to proceed to its full, non-discriminatory implementation; calls on the Turkish Government, as well as on all the parties concerned, to contribute actively to the swift devising of a comprehensive settlement of the Cyprus question, based on UN Security Council resolutions and the principles on which the EU is founded; welcomes the efforts to resolve the Kurdish issue in the context of the 'Democratic Opening' project; encourages the Turkish Government to take concrete measures to address the situation of citizens of Kurdish origin and asks all political forces to support this process; commends the diplomatic efforts made to normalise relations with Armenia and urges the Turkish Grand National Assembly, as well as the Parliament of Armenia, to ratify the relevant protocols; welcomes Turkey's signing of the Intergovernmental Agreement on the Nabucco gas pipeline, the implementation of which remains one of the EU's highest energy security priorities, and calls for the opening of the energy chapter in the accession negotiations; takes note of the resumption of negotiations on a EU-Turkey readmission agreement, and urges Turkey to fully implement, in the meantime, the existing bilateral readmission agreements with the Member States; calls on the Turkish Government to intensify the foreign policy coordination with the EU, in particular regarding Iran; regrets, however, that the NATO-EU strategic cooperation extending beyond the 'Berlin plus' arrangements continues to be blocked by Turkey's objections, which has negative consequences for the protection of the EU personnel deployed, and urges Turkey to set aside those objections as soon as possible;

23. Notes with satisfaction the progress made by Serbia, and in particular its unilateral implementation of the Interim Agreement; is of the opinion that such unilateral implementation, carried out against the background of the financial crisis, shows that country's commitment to moving forward on the path to membership of the Union; therefore urges the Council to decide on the ratification of the Interim Agreement without delay; requests Serbia to cooperate fully with the ICTY; welcomes in this respect the report, submitted on 4 June 2009, of the Chief Prosecutor of the ICTY, stating that Serbia has made additional progress in its cooperation with the ICTY; attaches importance to the fact that prosecutions are continuing in the War Crimes Chamber of the Belgrade District Court; welcomes the signing of the police protocol by the Serbian authorities with the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) and calls on Serbia to further step up its cooperation with EULEX KOSOVO, especially as regards EULEX KOSOVO's operations in northern Kosovo; regrets the call addressed by the Serbian authorities to the Kosovo Serbs for a boycott of the local elections on 15 November 2009 and urges them to adopt a constructive approach aimed at encouraging the active participation of the Kosovo Serb community in the Kosovo institutions;

24. Acknowledges that some progress has been made by BiH in the area of security and border management; however, expresses its dissatisfaction over the limited progress achieved by BiH as a potential candidate country on the path to membership of the Union; notes with growing concern the unstable political climate and the lack of a common vision shared by both entities, and condemns the use of inflammatory language, which can undermine the achievements in the process of inter-ethnic reconciliation and the functioning of State structures; encourages the Council to continue its efforts, with the support of the international community, to pursue a dialogue with political leaders in BiH in order to help that country and its peoples to remain on the path to European integration; emphasises the importance of creating a more sustainable constitutional framework permitting the country's institutions to function more effectively; consequently takes note of the most recent joint diplomatic efforts by the Presidency of the Council, the Commission and the US administration and recommends further negotiations taking into account previous arrangements between politicians in BiH; recalls the necessity of involving parliamentarians and civil society more closely in sustaining a viable country;

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25. Welcomes the intention of the Commission to strengthen relations with Kosovo ⁽¹⁾, including exploring the possibility of Kosovo participating in Community programmes; expects the process of decentralisation to be concluded before the end of the year in order to meet the basic requirements of the Ahtisaari Plan, ensuring political representation for all the inhabitants of Kosovo and in particular for the Serb minority; calls on the Kosovar authorities to continue their efforts to improve and guarantee respect for the rights of minorities; welcomes the overall peaceful and smooth conduct of the local elections of 15 November 2009 and acknowledges the efforts of the Central Election Commission in preparing for them; welcomes, furthermore, the unprecedented good participation of Kosovo Serbs and regards this as an encouraging indication that the Kosovo Serb community is willing to take up its responsibilities in the Kosovo institutions; welcomes the achievement by EULEX KOSOVO of a full operational capability such as will enable it to fulfil its mandate of promoting the rule of law, public order and security in transparency and accountability throughout the whole of Kosovo and pave the way for Kosovo's integration in the Union, if it meets the necessary conditions and requirements;

26. Acknowledges the progress made by Montenegro since the last progress report; notes that the country has applied for membership of the Union and that the Council has taken the decision to invite the Commission to prepare its opinion on Montenegro's application; commends Montenegro on its achievement, especially on the smooth conduct of the recent elections and its solid economic performance in spite of the global economic crisis, and encourages the country to continue its efforts on the path of reform;

27. Acknowledges the progress made by Albania since the last progress report, and in particular in the process of issuing identity cards and improvements in the legal and administrative framework of the election process, as manifested by the last national elections; urges the opposition to stop boycotting the parliament and calls on it to perform its duty to represent its voters in the parliament; calls on the government and the opposition to find a common basis for a follow-up of the last elections in the parliament; notes that Albania has applied for membership of the Union and that the Council has taken the decision to invite the Commission to prepare its opinion on the country's application; encourages the Albanian authorities to continue their efforts on the path of reform in favour of the economic and social progress of its citizens, so that the country can progress on its way to membership of the European Union;

28. Welcomes Iceland's application for membership and expects that the Commission will soon formulate an opinion and a recommendation on that application and that, in view of that country's well-established democratic tradition and high level of alignment with the *acquis communautaire*, Iceland will receive candidate status in the near future; however considers that Iceland's track record in implementing its obligations under the Agreement on the European Economic Area should be an essential element of the Commission's assessment; reiterates its call for the Commission to open a delegation office in Reykjavik as soon as the first half of 2010;

29. Calls on the Commission and the Council to develop a functional and coherent model for the new EU delegations in the enlargement area, preserving the unity of EU action after the setting up of the European External Action Service (EEAS), especially if competence for enlargement policy remains outside of the scope of the EEAS;

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

⁽¹⁾ 22 EU Member States have recognised Kosovo and five have not.

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Elimination of violence against women

P7_TA(2009)0098

European Parliament resolution of 26 November 2009 on the elimination of violence against women

(2010/C 285 E/07)

The European Parliament,

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

- having regard to other UN instruments on violence against women, such as the Vienna Declaration and Programme of Action of 25 June 1993 adopted by the World Conference on Human Rights (A/CONF.157/23), the Declaration on the Elimination of Violence against Women of 20 December 1993 (A/RES/48/104), the UN General Assembly resolutions of 12 December 1997 entitled 'Crime prevention and criminal justice measures to eliminate violence against women' (A/RES/52/86), of 18 December 2002 entitled 'Working towards the elimination of crimes against women committed in the name of honour' (A/RES/57/179), and of 22 December 2003 entitled 'Elimination of domestic violence against women' (A/RES/58/147), the reports by the UN High Commissioner for Human Rights' Special Rapporteurs on violence against women, and the General Recommendation No 19 adopted by the Committee on the Elimination of Discrimination Against Women (11th session, 1992),

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

- having regard to the report of the UN Secretary-General of 6 July 2006 entitled 'In-depth study on all forms of violence against women' (A/61/122/Add.1),

- having regard to the Charter of Fundamental Rights of the European Union,

- having regard to the UN General Assembly resolution of 19 December 2006 entitled 'Intensification of efforts to eliminate all forms of violence against women' (A/RES/61/143),

- having regard to resolution 2003/45 of the UN Commission on Human Rights of 23 April 2003 entitled 'Elimination of violence against women' (E/CN.4/RES/2003/45),

⁽¹⁾ OJ C 59, 23.2.2001, p. 258.

⁽²⁾ OJ C 320 E, 15.12.2005, p. 247.

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- having regard to the resolution of the Inter-Parliamentary Union adopted by the 114th Assembly on 12 May 2006 on the role of parliaments in combating violence against women,
 - having regard to its resolution of 16 September 1997 on the need to establish a European Union wide campaign for zero tolerance of violence against women ⁽¹⁾,
 - having regard to its resolution of 2 February 2006 on the current situation in combating violence against women and any future action ⁽²⁾,
 - having regard to its resolution of 11 October 2007 on the murder of women (femicide) in Mexico and Central America and the role of the European Union in fighting the phenomenon ⁽³⁾,
 - having regard to its resolution of 24 March 2009 on combating female genital mutilation in the EU ⁽⁴⁾,
 - having regard to the questions of 1 October 2009 to the Council (O-0096/2009 – B7-0220/2009) and Commission (O-0097/2009 – B7-0221/2009) on elimination of violence against women,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas the Beijing UN Platform for Action defined violence against women as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty,
- B. whereas the Beijing UN Platform for Action stated that violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and the prevention of women's full advancement,
- C. whereas men's violence against women is not only a public health problem, but also an aspect of inequality between women and men, which is an area in which the EU has the mandate to take action,
- D. whereas equality between women and men is a core principle of the EU, recognised in the EC Treaty and in the Charter of Fundamental Rights of the European Union,
- E. whereas men's violence against women represents a violation of human rights, and in particular: the right to life, the right to safety, the right to dignity, the right to physical and mental integrity, and the right to sexual and reproductive choice and health,
- F. whereas men's violence against women is an obstacle to the participation of women in social activities, in political and public life and in the labour market, and can lead to marginalisation and poverty for women,

⁽¹⁾ OJ C 304, 6.10.1997, p. 55.

⁽²⁾ OJ C 288 E, 25.11.2006, p. 66.

⁽³⁾ OJ C 227 E, 4.9.2008, p. 140.

⁽⁴⁾ Texts adopted, P6_TA(2009)0161.

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- G. whereas, in its extreme form, violence against women can lead to their murder,
- H. whereas violence against women goes hand in hand with violence against children and has an impact on children's psychological wellbeing and lives,
- I. whereas violence against women as mothers directly and indirectly affects and has a long-lasting negative impact on their children's emotional and mental health, and can create a cycle of violence and abuse which is perpetuated through generations,
- J. whereas men's violence against women is a structural and widespread problem throughout Europe and the world, a phenomenon affecting victims and perpetrators irrespective of age, education, income or social position, and is linked to the unequal distribution of power between women and men in our society,
- K. whereas the types of violence perpetrated against women vary in different cultures and traditions, and whereas female genital mutilation, so-called crimes of honour and forced marriages are a reality in the EU,
- L. whereas situations of war and armed conflict, post-conflict reconstruction and economic, social and/or financial crises increase the vulnerability of women individually and collectively to male violence against them and should not be considered as an excuse to tolerate male violence,
- M. whereas trafficking in women for sexual and other purposes constitutes a fundamental violation of women's human rights, and is harmful to the individual victims as well as to society at large,
- N. whereas the tolerance of prostitution in Europe leads to an increase in trafficking of women into Europe for sexual purposes, and to sex tourism,
- O. whereas there is no regular and comparable data collection on different types of violence against women in the EU, which makes it difficult to ascertain the real extent of the phenomenon and find appropriate solutions to the problem,
- P. whereas the number of women victims of gender-based violence is alarming,
- Q. whereas the frequently distorted, consumerist image of women conveyed by the media undermines respect for human dignity,
- R. whereas, apart from economic dependence (which is often the case for women), important factors in female victims not reporting violence lie in the societal culture and representations suggesting that men's violence against women is a private matter or that women themselves are often to blame for such violence,
- S. whereas frequently, for a variety of complex psychological, financial, social, and cultural reasons, women do not report men's violence against them and are sometimes deterred from doing so by a lack of confidence in the police, the judicial system and social and medical services,

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- T. whereas it has frequently called for the creation of a European Year for the elimination of all forms of violence against women,
- U. whereas the UN has declared 25 November the International Day for Elimination of Violence Against Women, and whereas an international seminar on violence against women is to be held at the European Parliament in December 2009,
- V. whereas there is a pressing need to introduce a comprehensive legal instrument aimed at combating all forms of violence against women in Europe, including trafficking in women,
1. Urges the Member States to improve their national laws and policies to combat all forms of violence against women, in particular through the development of comprehensive national action plans to combat violence against women, based on an analysis of the gender-equality implications of violence against women and the international treaty obligations of Member States to eliminate all forms of discrimination against women, and including concrete measures to prevent male violence, protect victims and prosecute perpetrators;
 2. Urges the Member States to provide assistance, under appropriate national programmes and financing schemes, to voluntary bodies and organisations which offer shelter and psychological support to female victims of violence, not least in order to enable them to re-enter the labour market and in that way fully regain their human dignity;
 3. Calls on the Commission to submit to the Parliament and the Council a targeted and a more coherent EU policy plan to combat all forms of violence against women, as stated in the Commission communication of 1 March 2006 entitled 'A Roadmap for equality between women and men 2006-2010' (COM(2006)0092), to include measures to combat violence against women in its action programme for equal opportunities for men and women for 2011-2016, as well as concrete measures to prevent all forms of violence, protect victims and prosecute perpetrators, and to ensure that an analysis of the gender equality implications of male violence against women in all policy areas is carried out and that the EU institutions and the Member States develop a coordinated, committed and coherent response in order to eradicate such violence;
 4. Urges the Commission to study the option of adopting new measures to combat violence against women;
 5. Calls on the Commission to organise a special high-level conference to be attended by representatives of political bodies, civil society and social and institutional organisations, with the aim of contributing to a process of developing more coherent policies addressing all forms of violence against women;
 6. Calls on the EU to guarantee the right to assistance and support for all victims of violence, including trafficking in human beings, regardless of the victim's nationality, and protection of female victims of domestic violence whose legal status might depend on their partner;
 7. Calls on the EU to set up mechanisms to ensure that the gender-equality analysis of trafficking in human beings is part of all laws and policies aimed at preventing and combating trafficking, and to address the root causes of violence through preventive measures such as sanctions, education and awareness campaigns;
 8. Points out that it is still waiting for the results of the Commission study on legislation on gender-based violence and violence against women;

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9. Calls on the Commission and the Member States to ensure that female victims of violence have proper access to legal aid and to protection, irrespective of their nationality and the nature of their involvement in police investigations;
10. Urges the Council and Commission to establish a clear legal basis for combating all forms of violence against women, including trafficking;
11. Calls on the Commission to start work on drafting a proposal for a comprehensive directive on action to prevent and combat all forms of violence against women;
12. Calls on the Commission and the Member States to act to tackle the causes of violence against women, not least by employing preventive measures and undertaking awareness campaigns on the different forms that such violence can take;
13. Calls on the Commission and the Member States to embark on concerted action, including public awareness and information campaigns, on domestic violence, as well as strategies aimed at changing the social stereotyping of women through education and the media, and to encourage the exchange of good practice;
14. Calls on the Commission and the Member States to address violence against women and the gender-related dimension of human rights violations internationally, in particular in the context of the bilateral association and international trade agreements in force and those under negotiation;
15. Deplores, in this context, the lack of a meaningful gender dimension in the compulsory sustainability impact assessments which are carried out prior to the conclusion of such agreements, let alone any acknowledgement of the issue of sexual violence, and of a set of tools to analyse gender impact, and calls on the Commission to come forward as soon as possible with a proposal to solve this problem;
16. Calls on the Member States to have due regard for the specific circumstances of certain categories of women who are particularly vulnerable to violence, such as women belonging to minorities, female immigrants, female refugees, women living in poverty in rural or isolated communities, women in prison or other institutions, girls, homosexual women, women with disabilities, and older women;
17. Urges the Member States to step up measures to prevent gender-based violence among young people by providing for targeted education campaigns and better cooperation among stakeholders and the various circles affected by the phenomenon, such as families, schools, the public space, and the media;
18. Calls on the Commission also to address the international dimension of violence against women in the context of its work on corporate social responsibility, in particular in relation to European undertakings working in export-processing zones;
19. Stresses the importance of proper training for those working with female victims of male violence, including representatives of the justice system and law enforcement, with particular reference to the police, the courts, social, medical and legal services, labour market agencies, employers and trade unions;

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20. Calls for the creation of mechanisms to facilitate access for women who are victims of gender violence or trafficking networks to free legal aid enabling them to assert their rights throughout the Union; insists on the need to improve cooperation among legal professionals and the exchange of best practices in the fight against discrimination and gender violence, and to find ways of eliminating obstacles to the recognition of legal acts in other Member States, including sentences for gender-violence offences and injunctions against violent men;
 21. Welcomes the fact that courts have been set up in some Member States to deal with violence against women, and calls on all Member States to take this initiative further;
 22. Calls for records concerning gender-based violence to play a central role within the European Criminal Records Information System (ECRIS);
 23. Urges the Member States to introduce a coherent system for collecting statistics on violence against women, with particular reference to violence against minors, and including murders committed in the context of violence within the family or close relationships, in close cooperation with the European Institute for Gender Equality in order to obtain comparable data concerning violence against women throughout the EU;
 24. Urges the Member States to recognise sexual violence and rape against women, including within marriage and intimate informal relationships and/or where committed by male relatives, as a crime in cases where the victim did not give consent, and to ensure that such offences result in automatic prosecution and reject any reference to cultural, traditional or religious practices or traditions as a mitigating factor in cases of violence against women, including so-called 'crimes of honour' and female genital mutilation;
 25. Notes that some Member States have been implementing policies aimed at recognising sexual violence between partners, and specifically marital violence, as a crime; calls on the Member States to study the outcome of those policies with a view to encouraging a Europe-wide exchange of good practice;
 26. Calls on the Member States to take appropriate measures to stop female genital mutilation; points out that immigrants residing in the Community should be aware that female genital mutilation is a serious assault on women's health and a violation of human rights; calls on Member States either to implement specific legal provisions on female genital mutilation or to adopt such laws and prosecute all persons who conduct genital mutilation;
 27. Calls on the EU to guarantee the right to assistance and support for all victims of male violence against women;
 28. Urges the Member States to investigate without delay the extreme human rights abuses against Roma women, penalise the perpetrators and provide adequate compensation to victims of forced sterilisation;
 29. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States and the UN Secretary-General.
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A political solution with regard to the piracy off the Somali coast

P7_TA(2009)0099

European Parliament resolution of 26 November 2009 on a political solution to the problem of piracy off the Somali coast

(2010/C 285 E/08)

The European Parliament,

- having regard to its previous resolutions on the situation in Somalia,
 - having regard to its resolution of 23 October 2008 on piracy at sea ⁽¹⁾,
 - having regard to its resolution of 19 June 2008 on the routine killing of civilians in Somalia ⁽²⁾,
 - having regard to the conclusions of the External Relations Council (meetings of 27 July 2009 (12354/2009) and of 17 November 2009 (15914/2009)),
 - having regard to Council Decision 2008/918/CFSP of 8 December 2008 on the launch of a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) ⁽³⁾, named Operation Atalanta,
 - having regard to United Nations Security Council Resolutions S/RES1814 (2008), 1816 (2008), 1838 (2008), 1846 (2008), 1851 (2008), 1863 (2009) and 1972 (2009),
 - having regard to the exchange of letters between the European Union and the Government of Kenya on the conditions and modalities for the transfer of persons suspected of having committed acts of piracy and detained by European Naval Force (EUNAVFOR), and seized property in the possession of EUNAVFOR, from EUNAVFOR to Kenya and for their treatment after such transfer,
 - having regard to an exchange of letters concluded on 30 October 2009 between the EU and the Republic of the Seychelles, allowing the transfer to the Seychelles of suspected pirates and armed robbers apprehended by EUNAVFOR in the operation area,
 - having regard to the guiding principles agreed by the parties to the Djibouti Peace Agreement on 25 November 2008, in particular the establishment of a unity government and an inclusive parliament in Somalia,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas the recent renewed fighting between Union of Islamic Courts (UIC) insurgents and the Transitional Federal Government (TFG) and African Union (AU) Mission in Somalia (AMISOM) troops has led to increased instability and loss of life in Somalia,
- B. whereas the international community respects Somalia's sovereignty, territorial integrity, political independence and unity,

⁽¹⁾ Texts adopted, P6_TA(2008)0519.

⁽²⁾ Texts adopted, P6_TA(2008)0313.

⁽³⁾ OJ L 330, 9.12.2008, p. 19.

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- C. whereas Somalia has not had a functioning government since the Siad Barre regime was overthrown in 1991, and whereas the political situation since then has been one of anarchy, marked by inter-clan fighting and banditry,
- D. whereas the worsening security situation in the Somali capital, Mogadishu, has made it impossible for national and international non-governmental organisations (NGOs) to cope with an unfolding humanitarian catastrophe and respond to emergencies,
- E. whereas widespread human rights abuses and violations of international humanitarian law by all parties to the conflict in Somalia – specifically torture and other ill-treatment, rape, extrajudicial executions, arbitrary detention and attacks on civilians, journalists, human rights defenders and civilian infrastructure – continue to occur in Somalia,
- F. whereas there is concern about the prolonged civil war in Somalia and its implications for the peace and reconciliation process in that country as well as for the security and stability of the Horn of Africa as a whole,
- G. whereas, until very recently, pirate attacks have targeted not only merchant ships but also World Food Programme (WFP) vessels, fishing boats and tourist ships,
- H. whereas such piracy in part results from but also contributes to violence and political instability in Somalia, has a knock-on effect on the rest of the Horn region, and has concomitant consequences for the civilian population of Somalia in terms of exposure to threats, lack of development and interruptions to food aid and other humanitarian efforts,
- I. whereas on 8 December 2008 the Council decided to launch, as part of the comprehensive action taken by the EU in the Horn of Africa, the above-mentioned EU's first-ever naval operation, EUNAVFOR Atalanta, with a mandate to repress, deter and prevent acts of piracy and armed robbery off the coast of Somalia and to contribute to the protection of merchant vessels and in particular WFP vessels delivering food aid to displaced persons in Somalia,
- J. whereas, since December 2008, Operation EUNAVFOR Atalanta has provided crucial protection for 50 WFP ships that have delivered roughly 300 000 tonnes of food, ultimately benefiting 1.6 million Somalis directly,
- K. whereas at the above-mentioned meeting of the External Relations Council on 27 July 2009 the Council decided to step up the EU's involvement in promoting peace and development in Somalia, in close cooperation with all relevant actors, particularly the UN and the AU, and to this end examined possible ways for the EU to contribute to international efforts, including in the security field,
- L. whereas at the above-mentioned meeting of the External Relations Council on 17 November 2009 the Council approved a Crisis Management Concept on a possible ESDP (European Security and Defence Policy) mission to contribute to the training of 2 000 Somali TFG security force personnel,
- M. whereas piracy has become a lucrative business, with huge ransoms being demanded for individuals, and whereas modern-day pirates use more sophisticated methods, are very well armed, have a clear strategy in place and are able to adapt quickly to new tactics,
- N. whereas such long-term assistance from international partners cannot be effective unless the security situation is stabilised,

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- O. whereas UIC insurgents have ruled out all political contact and reconciliation with a view to peace as part of the Djibouti Peace Process, which provides a framework for reaching a lasting political solution in Somalia,
- P. whereas military personnel involved in the operation EUNAVFOR Atalanta can arrest, detain and transfer persons who are suspected of having committed acts of piracy or armed robbery in the areas where they are present; whereas the suspects can also be prosecuted by an EU Member State or by Kenya under the agreement signed with the EU on 6 March 2009 giving the Kenyan authorities the right to prosecute,
- Q. whereas, according to a report by the United Nations Environment Programme (UNEP), a vast number of illegal shipments of toxic waste, the contents of which are leaking, have been deposited along the coast of Somalia with total disregard for the health of the local population and conservation of the environment,
1. Strongly condemns the serious violations of international humanitarian law and human rights law committed by all parties to the conflict in Somalia; calls for an immediate end to hostilities and asks all armed groups to lay down their weapons as a matter of urgency and join in genuine broad-based dialogue with the TFG; demands that all warring factions refrain from indiscriminate attacks on civilians and calls for an independent panel to investigate war crimes and human rights violations;
 2. Reaffirms its support for the TFG under the leadership of President Sheikh Sharif Sheikh Ahmed, and for the President's commitment to honour the principles laid down in the Djibouti Peace Agreement, including the spirit of reconciliation and the search for an inclusive political process; condemns the armed attacks against Somalia's TFG and against the UN and NGOs;
 3. Recalls that the international community and all parties to the present conflict have a responsibility to protect civilians, to allow delivery of aid and to respect humanitarian space and the safety of humanitarian workers; demands therefore that the right conditions for an adequate response to the humanitarian catastrophe in Somalia be created immediately;
 4. Notes with great satisfaction that EUNAVFOR Atalanta continues to make a successful contribution to maritime security off the coast of Somalia by protecting WFP-chartered vessels delivering aid to Somalia, vessels supplying critical shipments to the AU peace support operation in Somalia and other vulnerable vessels; calls upon the Council to extend the operation for another year when the current mandate comes to an end on 12 December 2009; expresses its support for a possible southward extension of the operation zone depending on pirate activity, but underlines that such an extension should not affect the mission's essential goal, namely the protection of WFP convoys and other vulnerable vessels such as the merchant fleet and fishing vessels;
 5. Emphasises that piracy on the high seas is gravely undermining the security situation and severely affecting the supply of food aid in what is an already critical humanitarian situation;
 6. Stresses that fighting piracy successfully will be made possible only by addressing the root causes of the problem, which are land-based, which include poverty and a failed state, and can be eradicated only by means of peace, development and state-building in Somalia;
 7. Takes the view that, until such time as a political solution has been found by the international community to the problem of Somalia's trustworthiness as a state, the security strategy implemented by means of Operation EUNAVFOR Atalanta must continue to prevail and even be strengthened in terms of the resources available to the forces deployed by the operation itself;

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8. Calls upon the Council, therefore, to examine the possibility of setting up a new, small-scale ESDP operation in parallel to Operation EUNAVFOR Atalanta to contribute to the training of TFG security forces, thereby bringing existing initiatives – including the French initiative in Djibouti and the Ugandan initiative as part of the training programme set up by AMISOM – into line with one another by ensuring that they take the same type of action; welcomes, in this regard, the approval by the Member States on 17 November 2009 of the Crisis Management Concept for a possible new ESDP operation for Somalia but insists that the adoption of this concept should in no way prejudge the decision on launching a mission, which can be taken only after a more detailed examination of the situation on the ground, making sure that human rights are respected, salaries are paid and equipment is provided and that the trained security forces are integrated into state and command structures so that, once they return, they will not turn against the government they are supposed to be protecting;
 9. Regrets that 35-40 % of vessels in the area are not registered with the central maritime security coordination body and that, as a result, these vessels are not aware of the specific security threats; calls, therefore, on the Member States to ensure that all their boats are registered; calls on all vessels to follow EU NAVFOR – Operation Atalanta recommendations so as to ensure the highest possible level of security and thus reduce the risk of attack or capture;
 10. Regrets that a weak attitude towards the demands of the Somali pirates, without application of the necessary coercive measures, could produce counter-productive and undesirable effects in the future by contributing to new cases of piracy in the zone;
 11. Expresses its continued support for AMISOM, given its pivotal role in the peace process; insists that further involvement with the AU and AMISOM should identify the most urgent needs and possible forms of additional EU support to help AMISOM develop capabilities commensurate with its mandate;
 12. Calls on the international community, and the EU in particular, to increase its provision of humanitarian assistance to internally displaced persons and people in need;
 13. Takes the view that the involvement of Somali women's organisations and civil society could play a positive role in the national reconciliation process;
 14. Calls on Member States to study the possibility of training crew members and fishermen in order to prepare them for the eventuality of hostage taking;
 15. Urges strict and renewed application and monitoring of the arms embargo against Somalia imposed by the UN in 1992, to which scant respect is paid; calls for those who violate the Somalia arms embargo to be held accountable;
 16. Calls on the UN and the Commission to carry out a full investigation of toxic waste dumping and illegal fishing along the Somali coast, to establish responsibilities at all levels, to support the efforts to bring to justice those responsible for these crimes and to ensure that environmental contamination is comprehensively dealt with;
 17. Instructs its President to forward this resolution to the Council, the Commission, the Secretaries-General of the AU, the UN and the Intergovernmental Authority on Development, the President of the TFG, the Government of Ethiopia and the Pan-African Parliament.
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Smoke-free environments

P7_TA(2009)0100

European Parliament resolution of 26 November 2009 on smoke-free environments

(2010/C 285 E/09)

The European Parliament,

- having regard to the Treaty establishing the European Community, and in particular the second subparagraph of Article 152(4),
 - having regard to the Commission proposal of 30 June 2009 for a Council recommendation on smoke-free environments (COM(2009)0328),
 - having regard to the Commission's Green Paper of 30 January 2007 entitled 'Towards a Europe free from tobacco smoke: policy options at EU level' (COM(2007)0027),
 - having regard to its resolution of 24 October 2007 on the Green Paper 'Towards a Europe free from tobacco smoke: policy options at EU level' ⁽¹⁾,
 - having regard to its resolutions of 23 February 2005 on the European Environment and Health Action Plan 2004-2010 ⁽²⁾ and of 4 September 2008 on the mid-term review of the European Environment and Health Action Plan 2004-2010 ⁽³⁾,
 - having regard to the 2003 World Health Organisation (WHO) Framework Convention on Tobacco Control (FCTC), in particular Article 8 (protection from exposure to tobacco smoke) and Article 14 (demand reduction measures concerning tobacco dependence and cessation),
 - having regard to the 2004 WHO European strategy for smoking cessation policy,
 - having regard to the 2007 WHO policy recommendations on protection from exposure to second-hand tobacco smoke,
 - having regard to the UN Convention on the Rights of the Child,
 - having regard to the statement by the Council on smoke-free environments,
 - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas tobacco is the single largest cause of avoidable death, accounting for over half a million deaths each year in the EU ⁽⁴⁾,

⁽¹⁾ OJ C 263 E, 16.10.2008, p. 447.

⁽²⁾ OJ C 304 E, 1.12.2005, p. 264.

⁽³⁾ Texts adopted, P6_TA(2008)0410.

⁽⁴⁾ http://ec.europa.eu/health/ph_determinants/life_style/Tobacco/tobacco_en.htm.

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- B. whereas it is estimated that 25 % of all cancer deaths and 15 % of all deaths in the EU could be attributed to smoking ⁽¹⁾; whereas according to conservative estimates, 7 300 adults, including 2 800 non-smokers, died as a result of exposure to environmental tobacco smoke (ETS) at their workplace in the EU in 2002; and whereas a further 72 000 adult deaths, including those of 16 400 non-smokers, were linked to ETS exposure at home ⁽²⁾,
- C. whereas, according to the Eurobarometer survey of March 2009, 70 % of the EU population are non-smokers and a broad majority of citizens are in favour of a ban in all public places (workplaces, restaurants, bars and pubs),
- D. whereas, in spite of the fact that it is obvious that children are particularly vulnerable to ETS, the respective data specifically focused on the results of children's long-term and systematic exposure to ETS are either not sufficient or unavailable, and a study providing relevant data can be more effectively prepared on a pan-European level and is preferable to 27 different studies in the 27 different Member States,
- E. whereas exposure to ETS – also referred to as second-hand tobacco smoke – is a significant additional cause of mortality, morbidity and disability in the EU,
- F. whereas tobacco smoke is a complex toxic mixture of more than 4 000 gaseous and particulate compounds, including 69 known carcinogens and numerous toxic agents,
- G. whereas ETS has been classified as a known human carcinogen by the WHO International Agency for Research on Cancer,
- H. whereas there is no safe level of exposure to second-hand tobacco smoke; whereas everyone has the right to a high level of health protection and should be protected from such exposure, and whereas children are particularly vulnerable to tobacco pollution,
- I. whereas smokers take more days off work for short- and long-term illnesses than non-smokers and ex-smokers, adding to the huge cost of tobacco consumption to individuals, employers, businesses, and the economy as a whole,
- J. whereas children cannot themselves consent to their exposure to ETS in closed spaces, and have the right to be protected and not to be harmed by practices prejudicial to their health,
- K. whereas exposure to tobacco pollution during pregnancy can result in a higher risk of deformities, miscarriages, stillbirths and premature births, stunted growth of the foetus, smaller head circumference and lower birth weight, and whereas there is a link between passive smoking and middle ear infections, impaired lung functioning, asthma and sudden infant death syndrome,
- L. whereas the evidence shows that the introduction of smoke-free policies has resulted in an overall improvement in working conditions and in a reduced incidence of smoking-related morbidity (e.g. acute coronary events, respiratory conditions or myocardial infections),

⁽¹⁾ http://ec.europa.eu/health/ph_determinants/life_style/Tobacco/tobacco_en.htm.

⁽²⁾ The Smoke Free Partnership (2006). Lifting the smokescreen: 10 reasons for a smoke-free Europe - Brussels, Belgium: European Respiratory Society.

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- M. whereas the costs to health systems resulting from tobacco consumption are borne by the population in general and not by those responsible for creating them,
- N. whereas the EU and 26 of the 27 Member States have already signed and ratified the FCTC; recalling also the preamble to the Constitution of the WHO, which states that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being,
- O. whereas Article 8 of the FCTC creates a legal obligation for its Parties to adopt and implement in areas of existing national jurisdiction as determined by national law and to actively promote at other jurisdictional levels the adoption and implementation of effective measures to protect people from exposure to second-hand tobacco smoke in all indoor workplaces, public transport and indoor public places and, as appropriate, other public places,
- P. whereas Parliament has called on the Member States to introduce, by October 2009, an unrestricted smoking ban in all enclosed workplaces, including catering establishments, and in all enclosed public buildings and transport in the EU,
- Q. whereas national legislation differs widely across the Member States,
1. Regrets that the Presidency decided to adopt the Council recommendation without the opinion of Parliament;
 2. Regrets the fact that the lack of comprehensive regulations on smoke-free environments in the majority of Member States (in particular in the hospitality and leisure sectors) results in inequalities between different occupational and socio-economic groups, hospitality workers being three times more likely to be exposed to tobacco smoke for over five hours a day than office workers;
 3. Points out that Parliament has consistently advocated stronger measures to tackle tobacco dependence and reduce exposure among young people to second-hand tobacco smoke;
 4. Underlines the serious harmful effects of second-hand tobacco smoke, the particular effects which exposure to harmful substances may have during the vulnerable period of childhood, and the fact that children do not have the legal capacity to give their consent to systematic and long-term exposure to smoke-filled environments;
 5. Stresses that the differing national laws result in huge differences in protection from exposure to second-hand tobacco smoke between Member States;
 6. Considers it essential that the existing legislation on smoking bans in Member States should, while providing legal certainty, respect the principle of equality between different types of establishment in the hospitality sector;
 7. Welcomes the fact that the EU is actively developing a comprehensive tobacco control policy characterised by legislative measures, support for Europe-wide smoking prevention and cessation activities, mainstreaming tobacco control into a range of other Community policies, and establishing the EU as a major player in tobacco control at global level;
 8. Welcomes the willingness of the EU to fight tobacco consumption, as well as the newly displayed coherence of its policies;

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9. Stresses that binding legislation based on Articles 137 and 152 of the Treaty could potentially bring about reductions in ETS prevalence and the related health and economic burden; recognises, however, that those Articles, and in particular Article 137, do not directly address the specific problems of children;
10. Stresses that only a full smoking ban in all enclosed workplaces, including catering establishments, and in all public buildings and transport, can protect the health of employees and non-smokers and make it considerably easier for smokers to quit;
11. Welcomes the action taken by those Member States that have already adopted effective measures to ensure protection from exposure to second-hand tobacco smoke; calls on the Member States to continue introducing rules for the protection of non-smokers in the field of protection of workers' health and to strengthen the ongoing efforts to protect non-smokers;
12. Calls on the Commission to produce a report on the costs incurred by national health systems and the EU economy as a result of smoking and the effects of tobacco smoke pollution;
13. Proposes that the Council recommend that Member States establish an ongoing dialogue and consultation with all relevant stakeholders in accordance with the Article 5.3 FCTC implementation guidelines adopted at the Conference of the Parties to the FCTC in 2009, in order to ensure the support of all actors for the implementation of national tobacco control strategies and programmes;
14. Renews its call on the Commission to submit a proposal for the amendment of Directive 2001/37/EC ⁽¹⁾ on tobacco products, including at least the modifications contained in Parliament's above-mentioned resolution of 24 October 2007;
15. Calls on the Commission to produce a comprehensive study of the effects of the long-term and systematic exposure of children to second-hand and third-hand tobacco smoke in all their places of activity;
16. Calls on the Commission and the Member States to use both the proposed Council recommendation and Member States' best practices as a basis for input into the formulation of guidelines for the implementation of Article 14 FCTC ('demand reduction measures concerning tobacco dependence and cessation'), to be adopted at the next Conference of the Parties to the FCTC;
17. Encourages the Commission to continue implementing support measures at EU level, for instance awareness-raising measures including information on the packages of tobacco products, which are integrated with the national communications campaigns aimed at discouraging smoking;
18. Considers it crucial that, as with the measures in favour of a 'Europe without tobacco', the Commission, cooperating closely with the Member States, should equip itself with new means to fight the different types of trafficking in and counterfeiting of tobacco products, notably on the Internet, in view of the immediate and increased dangers that they pose to consumers' health;
19. Recalling the need for strong measures to ensure full and accurate monitoring and implementation, calls on those Member States which have already ratified the FCTC to implement its recommendations, under their Article 8 FCTC obligations, as well as to report to the Commission biannually on the progress of their implementation;

⁽¹⁾ Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (OJ L 194, 18.7.2001, p. 26.).

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20. Calls, once again, on the President and the Bureau, in the light of their duty to set an example to Member States, to adopt a smoking ban with no exemptions in all parts of Parliament and with immediate effect; calls for the rigorous enforcement of that ban;

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

Ratification and implementation of updated ILO Conventions

P7_TA(2009)0101

European Parliament resolution of 26 November 2009 on the Conventions that have been classified by the ILO as up to date

(2010/C 285 E/10)

The European Parliament,

- having regard to the Conventions that have been classified by the International Labour Organisation (ILO) as up to date,
- having regard to the ILO Declaration on Social Justice for a Fair Globalisation adopted on 10 June 2008,
- having regard to the ILO Global Jobs Pact adopted on 19 June 2009,
- having regard to the Commission Communication of 2 July 2008 on the renewed social agenda (COM(2008)0412),
- having regard to its resolution of 6 May 2009 on the renewed social agenda ⁽¹⁾,
- having regard to the Commission Communication of 18 May 2004 entitled 'The Social Dimension of Globalisation – the EU's policy contribution on extending the benefits to all' (COM(2004)0383),
- having regard to the Commission Communication of 24 May 2006 entitled 'Promoting decent work for all – the EU contribution to the implementation of the decent work agenda in the world' (COM(2006)0249),
- having regard to the AETR-related judgment of the Court of Justice of the European Communities in Case C-45/07 *Commission v Greece* ⁽²⁾ concerning the external competence of the Member States,

⁽¹⁾ Texts adopted, P6_TA(2009)0370.

⁽²⁾ OJ C 82, 4.4.2009, p. 3.

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- having regard to the Lisbon Strategy for Growth and Jobs,
 - having regard to Rule 115(5) of its Rules of Procedure,
 - A. whereas the fundamental values of freedom, human dignity, social justice, social security and equality are essential elements of sustainable economic and social development,
 - B. whereas, in the current global economic and jobs crisis, these principles are even more relevant,
 - C. whereas, since 1919, the ILO has maintained and developed a system of international labour standards which cover a broad range of subjects, including work, employment, social security, social policy and related human rights,
 - D. whereas coherence needs to be ensured between the EU's internal and external policies,
1. Welcomes the Conventions that have been classified by the ILO as up to date as a result of the ILO tripartite process which involved employers, workers and governments;
 2. Calls on the Member States to consider the strong social arguments for ratifying and implementing the Conventions that have been classified by the ILO as up to date, in conformity with the EU Treaties;
 3. Calls on the Commission to spell out precisely to Parliament and to the Member States which Conventions fall within the competence of the European Union and which fall under the subsidiarity principle;
 4. Calls on the President Elect of the European Council to be as ambitious as possible within his mandate to encourage Member States to ratify and implement the updated ILO Conventions;
 5. Calls on the Commission to consider the adoption of a recommendation to the Member States to encourage the ratification of the Conventions that have been classified by the ILO as up to date and to actively contribute to their implementation, taking into account the subsidiarity principle;
 6. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
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FAO World Summit on Food Security

P7_TA(2009)0102

European Parliament resolution of 26 November 2009 on the FAO Summit and food security

(2010/C 285 E/11)

The European Parliament,

- having regard to Article 33 of the EC Treaty,
- having regard to its resolutions of 25 October 2007 on the rise in foodstuff prices ⁽¹⁾ and of 22 May 2008 on rising food prices in the European Union and developing countries ⁽²⁾,
- having regard to its resolution of 29 November 2007 on advancing African agriculture - Proposal for agricultural development and food security in Africa ⁽³⁾,
- having regard to Regulation (EC) No 1337/2008 of the European Parliament and of the Council of 16 December 2008 establishing a facility for rapid response to soaring food prices in developing countries ⁽⁴⁾,
- having regard to its resolution of 13 January 2009 on the Common Agricultural Policy and Global Food Security ⁽⁵⁾,
- having regard to the Agricultural Outlook 2008-2017 released by the Food and Agriculture Organisation (FAO) and the Organisation for Economic Cooperation and Development (OECD),
- having regard to the recommendations of the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD),
- having regard to the outcome of the 'Health Check' reform of the common agricultural policy,
- having regard to the Paris Declaration on Aid Effectiveness,
- having regard to the conclusions and declaration issued by the FAO World Summit on Food Security held in Rome from 16 to 18 November 2009,
- having regard to Rule 110(4) of its Rules of Procedure,

A. whereas the European Union is the leading global donor of development and humanitarian aid, but whereas at international level the share of official development assistance (ODA) allocated to agriculture, particularly by the European Union, has steadily diminished since the 1980s, falling from 17 % in 1980 to 3,8 % in 2006; whereas, against a background of pressure on natural resources, global food demand is expected to double by 2050 and global food production will need to increase,

⁽¹⁾ OJ C 263 E, 16.10.2008, p. 621.

⁽²⁾ Texts adopted, P6_TA(2008)0229.

⁽³⁾ OJ C 297 E, 20.11.2008, p. 201.

⁽⁴⁾ OJ L 354, 31.12.2008, p. 62.

⁽⁵⁾ Texts adopted, P6_TA(2009)0006.

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- B. whereas the final declaration of the 2009 World Summit on Food Security neither sufficiently analyses the reasons for the failure to eradicate hunger, nor does it make concrete proposals on how to step up the fight against hunger; whereas, according to the FAO, an investment of EUR 30 billion per year would be enough to ensure food security for a world population which will reach 9 billion by 2050,

- C. whereas the European Union remains a major food producer, but is also a major importer of agricultural products, falling significantly short of self-sufficiency in numerous agricultural commodities; whereas the rise in the prices of animal feed is increasing production costs, with the risk that output of stockfarming products will fall,

- D. whereas dramatic fluctuations in commodity prices may become a more pronounced and regular feature of the global market; whereas higher food prices do not automatically translate into higher farm incomes, mainly due to the speed at which farm-input costs increase and the growing divergence between producer and consumer prices,

- E. whereas world food stocks have fallen to critically low levels, from one year's supply of food in stock after the Second World War to just 57 days stock in 2007 and only 40 days stock in 2008,

- F. whereas depleted stocks, even in the EU, have an adverse effect on the emergency food programme, which has, at present, less food to distribute; whereas this problem and the global food-price crisis have had the immediate and serious consequence of increasing the number of hungry people in the world to 1 billion in 2009 according to the FAO, meaning that one person in six is currently undernourished and suffering from chronic hunger,

- G. whereas more than 40 million people die of hunger and poverty every year, including one child every six seconds; whereas these developments have sparked riots and unrest throughout the world, further destabilising countries and regions around the globe; whereas at the World Food Summit in 1996 representatives from 185 countries committed themselves to cutting the number of hungry people by half by 2015; and whereas family farmers, herders and rural workers account for more than half the world's population and are the primary victims of hunger,

- H. whereas climate change is having a serious impact on farming, for example by reducing crop yields because of the water shortages affecting local agricultural activities in the poorest countries,

- I. whereas agriculture provides employment and a livelihood for more than 70 % of the labour force in developing countries, and for more than 80 % in many African countries, and, as a consequence, rural development policies are essential in order to tackle poverty and hunger effectively; whereas the World Bank estimates that growth in the agricultural sector is twice as effective at reducing poverty as growth in other sectors,

- J. whereas the European Union provides more than 50 % of all development aid worldwide, including the Member States' contributions; a fact confirmed by the current contribution through EC instruments (around EUR 1,8 billion: EUR 1 billion through the new facility for rapid response to soaring food prices in developing countries and the rest through existing development and humanitarian aid instruments),

- K. whereas the proportion of deforested land and agricultural resources used for the production of animal feed, meat and biomass for agro-fuels has grown, contributing considerably to worldwide speculation in agricultural commodities,

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1. Stresses that the number of people suffering from hunger and poverty now exceeds 1 billion and that this is an unacceptable blight on the lives of one-sixth of the world's population; notes that the effects of longstanding underinvestment in food security, agriculture and rural development have recently been further exacerbated by food, financial and economic crises, among other factors, and that the overall efforts have so far fallen short of achieving the Millennium Development Goals (MDGs); notes that collectively steps need to be taken to reverse this trend and gradually make the right to adequate food a reality in the context of national food security;
2. Stresses the right of everyone to have access to sufficient safe and nutritious food; calls for a world free from hunger and points out that a genuine fight against hunger requires the establishment of comprehensive policies which enhance sustainable farming and food production systems, so as to improve developing countries' capacity to feed their people; calls on countries to implement the FAO 'Voluntary guidelines for the progressive realisation of the right to adequate food in the context of national food security' and supports the practical application of these guidelines on the basis of the principles of participation, transparency and accountability; welcomes the undertakings given in principle at the Rome Summit, but expresses disappointment at the lack of specific financial pledges and the poor attendance by G8 high-level representatives; in this context, calls on all Member States to redouble their commitment to achieving MDG 1 (to halve hunger by 2015) and endorse a global goal to eradicate hunger and malnutrition by 2025 or, failing that, the earliest possible date;
3. Stresses the importance of the common agricultural policy (CAP) as the means of securing food production in the European Union; believes that the CAP has provided EU citizens with a secure food supply since its inception in 1962, in addition to protecting and enhancing the rural environment and EU food production standards which are the highest in the world; stresses the need for Community agriculture to continue to play that role in the future;
4. Stresses that since 2007 agricultural commodity prices have fluctuated dramatically and that between mid-2007 and mid-2008 prices rose steeply, followed by a sharp increase in consumer prices; notes that this steep increase in basic commodity prices was followed swiftly by a sharp fall in commodity prices to unsustainable levels; remains concerned that food prices may surge again as the global economy recovers, as many of the structural problems, including lack of investment and high demand in certain regions, persist;
5. Notes with concern the escalating costs of farm inputs (for instance increases in prices of fertilisers and seeds) which have translated into a rise in costs for which not all farmers (particularly in the livestock sector) have been equally compensated and which has significantly eroded any potential increase in farm incomes stemming from higher commodity and food prices, thus lessening the stimulus to increase sustainable agricultural production; is concerned that dramatic increases in input prices could result in less use of inputs and potentially reduced output, which would exacerbate the food crisis in Europe and the world;
6. Points out that the price volatility of recent years - both the highs and the lows - has made guaranteeing food security a particularly elusive goal; stresses that if farmers do not receive a fair price for their produce they will cease production; points out once again that EU farms produce between 17 % and 30 % of the world's wheat, milk and beef; stresses that maintaining viable farms in the EU will be of paramount importance for food supplies in the EU and throughout the world in the years to come;
7. Draws attention to the longer-term structural causes at play in the recent increase in prices of agricultural commodities, including steadily rising global demand and sustained reductions in investment in productive agriculture; notes that, among these factors, the increase in the price of energy, and in particular in the oil price, has had a major impact on global agricultural production (due to increasing production and food-distribution costs) and on the frequency of food crises in poor countries (owing to higher food transport costs within those countries);

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8. Notes that to feed a world population expected to surpass 9 billion in 2050, agricultural output will have to increase by 70 % between now and then; points out that over 860 million people globally suffer from chronic hunger; notes that the World Bank predicts that the surge in food prices and the current fuel and food crisis will push an additional 130-155 million people into deeper poverty compared to 2008;

9. Believes that the CAP should remain the cornerstone of EU food security policy and that it should be further adapted to meet food security concerns in Europe and at world level; cautions against the dismantling of market-support measures and cuts in farm-support payments in the light of the extreme volatility of commodity prices and, hence, farm incomes;

10. Stresses the importance of international cooperation and solidarity and the need to refrain from taking unilateral measures not in accordance with international law and the Charter of the United Nations which endanger food security; calls for balanced trade agreements, as they are an essential element of a global food security response;

11. Urges the Commission and the Member States to include equitable financial mechanisms and concepts of burden-sharing in the context of climate adaptation in the forthcoming negotiations in Copenhagen, paying special attention to support for climate-friendly agricultural practices as a coherent means of fighting hunger, to take coordinated measures to halt any further loss of soil fertility and biodiversity, two essential components of food production systems, to increase overall efficiency and reduce waste in global food chains, and to improve local market access;

12. Acknowledges the FAO's view that net food-importing countries are hardest hit by rising food prices and that many of these countries are the world's least developed; points out once again that poverty and dependence on food imports are leading causes of food insecurity; is mindful of the fact that only a small percentage of global food production, which increasingly comes from only a small number of exporting countries, is actually traded on international markets;

13. Is alarmed by the current global financial crisis, which may result in a reduction in the amount of funding available for farming; calls on the Commission to analyse the effects of the financial crisis on the agricultural sector and to consider proposals to ensure the stability of the sector, also in terms of access to loans and credit guarantees; points out that the food crisis is closely bound up with the financial crisis, in the context of which liquidity injections made by central banks to prevent bankruptcies may have increased speculative investments in commodities; calls on the International Monetary Fund and the Financial Stability Forum to assess this side-effect and take it into account when proposing global remedies;

14. Believes that the CAP is an important element of EU food security policy now and beyond 2013 and that it should play a significant role in development policies, with specific regard to external food security policy; considers that functioning ecosystems, fertile soils, stable water resources and a diverse rural economy are essential in the interests of long-term food security; believes that, besides securing the European Union's food production, the CAP can contribute to meeting the increased demand for food globally without distorting the market; calls for measures to stabilise local and regional farming systems which are based on sustainable farming practices and provide strategic food reserves;

15. Considers that the financing facility for rapid response to soaring food prices in developing countries is a necessary first step towards meeting the immediate needs of those most affected by the food crisis; takes the view that the Commission should audit how the money is spent, ensuring that it is always used where the need is greatest, and that it should submit regular reports to Parliament;

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16. Calls on the Commission to strengthen its existing programmes designed to ensure food security in Europe and the world; calls for funding for the Food Security Thematic Programme (2007-2010), currently endowed with a budget of EUR 925 million for the entire programming period, to be increased; calls on the Commission to conduct a full impact assessment of the EU's policies and programmes in the areas of agriculture, development and trade in order to guarantee a coherent, sustainable policy approach to global food security;
17. Reaffirms that food security is a national responsibility and that any plans for addressing food security challenges must be thought out, coordinated, owned and led at national level and based on consultation with all key stakeholders; stresses that food security should be a high priority and that its importance should be reflected in national programmes and budgets; stresses that good governance should play a key role and that corruption at national level should be tackled; believes that the fight against hunger must be based on the recognition of the right to food sovereignty, defined as the capacity of a country or a region to democratically implement its own agricultural and food policies, priorities and strategies;
18. Believes that ongoing research into sustainable agriculture production systems is essential; stresses the role of publicly-funded research programmes, of the EU technology platform for ecological agricultural research and of the Seventh Framework Programme for research and technological development; calls for programmes for technology transfer to developing countries to be implemented where appropriate; calls on the FAO member governments to follow the recommendations made in the IAASTD to reverse top-down transfer-of-technology concepts and replace them with bottom-up, participatory, farmer-oriented innovation concepts;
19. Considers that one serious obstacle to increased agricultural output in developing countries is the lack of access for small farmers to loans and micro-credits for investment in seeds, fertilisers and irrigation mechanisms; stresses, furthermore, the issue of loan guarantees, which, in most cases, are not available; calls on the European Investment Bank to look into ways of providing programmes to assist local food producers in developing countries with loan guarantees to support access to credit and micro-credit;
20. Resolves to establish a high-level standing working group on the EU's contribution to achieving global food security, in order to draw up common approaches to the major challenges the Commission has identified for sustainable agriculture, fisheries and rural development;
21. Notes that the global food crisis is one of the major threats to peace and security in the world; welcomes, in that connection, the recent efforts by the Commission to investigate ways of tackling the global food security issue; calls on the Member States to support such initiatives at national and local level;
22. Stresses that farmland acquisition by foreign investors, particularly in Africa, must not have an adverse impact on local food security or lead to unsustainable land use; points out that it may also have positive effects by bringing land into productive use; urges the FAO and the Member States to work towards common rules and legislative proposals which recognise the right of local people in every country to control farmland and other natural resources vital to their food security;
23. Instructs its President to forward this resolution to the Council and the Commission.
-

Thursday 26 November 2009

Nicaragua

P7_TA(2009)0103

European Parliament resolution of 26 November 2009 on Nicaragua

(2010/C 285 E/12)

The European Parliament,

- having regard to its previous resolutions on Nicaragua, in particular that of 18 December 2008 on the attacks on human rights defenders, civil liberties and democracy in Nicaragua ⁽¹⁾
 - having regard to the Political Dialogue and Cooperation Agreement of 15 December 2003 between the European Community and its Member States, of the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, of the other part, and to the Framework Cooperation Agreement between the European Economic Community and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama ⁽²⁾
 - having regard to the European Union Guidelines on Human Rights Defenders, June 2004,
 - having regard to the reports of the EU expert team on the Nicaraguan municipal elections of 9 November 2008,
 - having regard to the statements of Commissioner Ferrero-Waldner on the events in Nicaragua following the municipal elections of 9 November 2008,
 - having regard to the negotiations under way on the signing of an Association Agreement between the European Union and the countries of Central America,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the Inter American Press Association (IAPA) has expressed concern at a series of actions and statements by the Nicaraguan Government that are stifling freedom of the press in that country,
- B. whereas under Article 147 of the Nicaraguan Constitution, which was introduced in 1995, it is not possible to run for two consecutive presidential mandates and whereas President Ortega is attempting illegally to circumvent that provision in order to be able to run for a second mandate in the 2011 elections,
- C. whereas only the legislature may pronounce on constitutional reform, and whereas the party in government, the Sandinista National Liberation Front (FSLN) does not have the necessary two-thirds majority,
- D. whereas on 19 October 2009 the Nicaraguan Supreme Court of Justice met during the night, in the absence of three of the six member judges, who were not invited and who were replaced by three pro-government judges, and unanimously declared Article 147 of the Constitution unenforceable,

⁽¹⁾ Texts adopted, P6_TA(2008)0641.

⁽²⁾ OJ L 63, 12.3.1999, p. 39.

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- E. whereas all the opposition political parties represented in the National Assembly, as well as many civil society associations, lawyers and non-governmental organisations (NGOs), have rejected that judicial declaration as unlawful and have agreed to work together to safeguard democracy and the rule of law in Nicaragua,
- F. whereas the judicial declaration was immediately welcomed by the member countries of the Bolivarian Alliance for the Peoples of Our America (ALBA),
- G. whereas, during a visit to Nicaragua, a delegation from the group Liberal International was threatened and insulted, and its president, Johannes Cornelis van Baalen MEP, was even threatened with expulsion from Nicaragua and declared *persona non grata* by the Sandinista authorities
- H. whereas there has been a regression of democracy in Nicaragua since the alleged fraud in the municipal elections in 2008, the attacks and acts of harassment which have been directed towards human rights organisations and their members, as well as journalists and media representatives, by individuals, political forces and bodies linked to the State authorities,
- I. whereas the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms must be an integral part of the EU's external policies,
- J. whereas the European Union and its partners, when concluding third-country agreements which include a human rights clause, are assuming responsibility for ensuring compliance with international human rights standards, and whereas such clauses are necessarily reciprocal,
- K. whereas the European Union should exercise greater control over the use of funds given to Nicaragua for development projects in order to ensure that none of the money falls into Sandinista hands,
- L. whereas the United Nations, the European Union, the United States of America and several Nicaraguan NGOs have expressed concern over the lack of transparency of recent elections,
1. Deplores the numerous attacks and acts of harassment to which human rights organisations and their members and independent journalists have been subjected by individuals, political forces and bodies linked to the State;
 2. Condemns amendments to the Constitution which infringe the Nicaraguan constitutional order, in particular the legally questionable tactics used by the Nicaraguan Government involving pro-government judges in the Supreme Court of Justice;
 3. Calls on President Ortega to respect the Nicaraguan Constitution, which prohibits Presidents from serving for two successive terms in office, and points out that only the legislature may pronounce on constitutional reform and that there are no circumstances under which the courts may do so;
 4. Considers that President Ortega's attitude reflects his scant understanding of and respect for democracy, the rule of law and the exercise of basic fundamental rights, such as freedom of expression and political association;
 5. Supports all those in Nicaragua who are against the violation of the constitutional order perpetrated by the Government authorities, and calls for that order to be re-established without delay and for the judicial declaration of 19 October 2009 to be annulled;

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6. Condemns and deplores the threats, insults and intimidation to which the Liberal International delegation, headed by Johannes Cornelis van Baalen MEP, was subjected, and expresses its solidarity with the members of that delegation;
7. Deplores the conduct of the municipal elections of 9 November 2008, with manoeuvring on the part of the Nicaraguan Government to disqualify opposition political parties, numerous polling irregularities, allegations of electoral fraud and a refusal to accredit independent election observers, whether foreign or local; calls on the Commission to send an EU election observation mission to monitor the forthcoming presidential elections;
8. Deplores the fact that the Organisation of American States, which is normally so diligent in dealing with other problematic issues, did not see fit to comment on such a clear violation of the constitutional order of one of its member countries;
9. Points out that, during the negotiations on the Association Agreement between the European Union and the countries of Central America, Nicaragua must be reminded of the need to respect the principles of the rule of law, democracy and human rights, as upheld and promoted by the European Union;
10. 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 Organisation of American States, the Euro-Latin American Parliamentary Assembly, the Central American Parliament, the Government and Parliament of the Republic of Nicaragua and the Supreme Court of Justice of Nicaragua.

Laos and Vietnam

P7_TA(2009)0104

European Parliament resolution of 26 November 2009 on the situation in Laos and Vietnam

(2010/C 285 E/13)

The European Parliament,

- having regard to the 15th ASEAN Summit Meeting of 23 to 25 October 2009,
- having regard to the inauguration of the ASEAN Intergovernmental Commission on Human Rights on 23 October 2009,
- having regard to the EU Annual Report on Human Rights 2008,
- having regard to the ongoing negotiations on the new Partnership and Cooperation Agreement between the EU and Vietnam and to the EU-Vietnam human rights dialogue held twice a year between the EU and the Government of Vietnam,
- having regard to its previous resolutions on Laos, in particular those of 15 November 2001 on the arbitrary arrests and the political situation in Laos ⁽¹⁾ and 1 December 2005 on the human rights situation in Cambodia, Laos and Vietnam ⁽²⁾,

⁽¹⁾ OJ C 140 E, 13.6.2002, p. 577.

⁽²⁾ OJ C 285 E, 22.11.2006, p. 129.

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- having regard to the Cooperation Agreement between the EU and the Lao People's Democratic Republic of 1 December 1997, based on 'respect for democratic principles and fundamental human rights as set out in the Universal Declaration of Human Rights',

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

Vietnam

- A. whereas the Vietnamese Government has refused to respond to many of the recommendations made during the UN Human Rights Council's Universal Periodic Review, held from May to September 2009, with a view to improving its human rights record,

- B. whereas hundreds of people are currently imprisoned in Vietnam for their religious or political beliefs, including Montagnard Christians, a Catholic priest, Mennonite pastors, members of the Cao Dai faith and Hoa Hao Buddhists,

- C. whereas on 27 September 2009 hundreds of young Buddhist monks from Bat Nha Monastery were violently attacked and beaten and their monastery vandalised, while the State authorities and police ignored their plea for help; whereas other monks who found refuge in the Phuoc Hue Temple were subjected to physical violence and harassment by the police; whereas the monks are facing the risk of expulsion by the government on the grounds that they have been occupying Bat Nha Monastery without permission or prior registration,

- D. whereas the assault on the monastery is considered by many to be linked to the 10-point proposal for religious reform which Thich Nhat Hanh presented to Vietnam's President Nguyen Minh Triet in 2007,

- E. whereas all religious groups must be authorised by the government and overseen by government-appointed management committees, and whereas many religious organisations face a ban and persecution of their members if they wish to remain independent of the government,

- F. whereas the dignitaries of the Unified Buddhist Church of Vietnam are virtually all imprisoned, starting with its Patriarch Thich Quang Do (aged 81), the most eminent of the Vietnamese dissidents, who has been detained for more than 27 years, currently in his monastery of Zen Thanh Minh in Ho Chi Minh City,

- G. whereas Ms Tran Khai Thanh Thuy, a Vietnamese writer and a leading figure in the movement for democracy in Vietnam, has been arrested again after serving a nine-month prison sentence in 2007; whereas she suffers from severe diabetes, in spite of which the Vietnamese authorities refuse to release her on bail or allow her to receive any medication,

- H. whereas several prisoners of conscience, including Nguyen Van Ly, Le Thi Cong Nhan, and Nguyen Binh Thanh, all sentenced for 'propaganda against the government of the Socialist Republic of Vietnam', have been denied proper medical care in prison although their medical condition requires their immediate hospitalisation,

- I. whereas in the absence of independent human rights organisations, Church leaders often take on the role of human rights defenders and fight for greater tolerance and more democratic principles,

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- J. whereas Vietnam, which will assume the chair of ASEAN in 2010, should set an example by improving its human rights practices; whereas the government could start by releasing the hundreds of peaceful government critics, independent church activists, bloggers and democracy advocates imprisoned on groundless national security charges in violation of international law for expressing peaceful dissent,

Laos

- K. whereas on 25 September 2009 the Lao People's Democratic Republic ratified the International Covenant on Civil and Political Rights, which guarantees in particular people's right to freedom of faith, freedom of association, and freedom of speech and of the press, as well as the right to demonstrate and political rights,
- L. whereas almost one month after the 10th anniversary of the 'Student Movement of 26 October 1999' launched by students and teachers in Vientiane, the main leaders of the movement – Thongpaseuth Keuakoun, Seng-Aloun Phengphanh, Bouavanh Chanmanivong and Kèochay – are still being held in secret detention, while according to reports Khamphouvieng Sisa-At has died in prison in uncertain circumstances,
- M. whereas on 2 November 2009 more than 300 people who were preparing for a peaceful demonstration in Vientiane to demand respect for human rights and a multiparty system in memory of the 10th anniversary of the crackdown were apprehended by the secret police of the Lao People's Democratic Republic, and whereas nine of them – Ms Kingkèo and Ms Somchit, Mr Soubinh, Mr Souane, Mr Sinpasong, Mr Khamson, Mr Nou, Mr Somkhith and Mr Sourigna – are still being held in custody,
- N. whereas Laos continues to persecute Hmong communities because of a Hmong insurgency that dates back to the 1960s, subjecting Hmong living in areas of Laos suspected to be centres of insurgency to arrest, torture, sexual abuse and extrajudicial killing,
- O. whereas 5 000 Lao Hmong are currently being detained in the Huay Nam Khao camp in Thailand and are subject to deportation as a result of an agreement between the Governments of Thailand and Laos, and whereas another 158, including 85 children, have been detained in inhuman conditions for over three years in Nong Khai,
- P. whereas there is concern about the general political situation in Laos, which has been ruled by a single party since 1975 and whose population continues to be deprived of basic human rights,

Vietnam

1. Urges the government to cease all forms of repression against those who exercise their rights to freedom of expression, freedom of belief and religion and freedom of assembly, in accordance with international human rights standards and the Vietnamese Constitution; calls on the Vietnamese Government to comply with its international obligations, which entails recognition of all religious communities and the free practice of religion and the restitution of assets arbitrarily seized by the State from the Unified Buddhist Church of Vietnam, the Catholic Church and any other religions communities;
2. Condemns the reported violent expulsion of more than 150 monks and nuns from monasteries and the fact that the increasingly tense situation following these actions against the peaceful Buddhist community is in clear contradiction of commitments to comply with internationally accepted standards on freedom of religion, especially when it comes to people trying to exercise their rights, which the Government of the Socialist Republic of Vietnam has undertaken to observe as a member of the UN Security Council and future Chair of ASEAN;

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3. Asks the Commission and the Council, within the framework of the current negotiations on the new Partnership and Cooperation Agreement with Vietnam, to include a binding and unambiguous clause on human rights and democracy, together with a mechanism allowing for its implementation, in order to put an end to systematic violations of democracy and human rights;
4. Calls for the cessation of all persecution and harassment, and for monks and nuns to be allowed to practice Buddhism according to the tradition of the Thich Nhat Hanh Buddhist bonze community in Bat Nha and elsewhere;
5. Demands the unconditional release of Thich Quang Do and re-establishment of the legal status of the Unified Buddhist Church of Vietnam and of its dignitaries;
6. Calls on the government to put in place an independent national human rights commission, to receive and investigate allegations of torture or other abuses of power by public officials, including members of the security services, and to initiate proceedings to abolish the death penalty;
7. Calls on the Government of Vietnam, in view of Vietnam's role as a member of the UN Security Council, to issue standing invitations to UN special rapporteurs, particularly those on freedom of expression, religious freedom, torture, human rights defenders and violence against women, and to the UN Working Group on Arbitrary Detention;

Laos

8. Welcomes the ratification of the International Covenant on Civil and Political Rights by the Laotian Government; calls on the Laotian authorities to respect fully the terms of the Covenant, to harmonise Laotian law with its provisions without delay and to practise these provisions to internationally agreed standards, notably when it comes to freedom of speech, assembly and faith;
9. Reiterates its demand for the immediate release of the leaders of the 'Student Movement of 26 October 1999', as well as of all the prisoners of conscience held in Laos, and entrusts the competent EU delegation in Vientiane with the responsibility for following up this matter;
10. Calls on the Laotian authorities to release unconditionally all those people arrested during the attempted peaceful demonstration on 2 November 2009;
11. Calls on the Thai authorities to put an immediate end to the detention of 158 Lao Hmong refugees and to allow them to resettle in Thailand or in the United States, Canada, the Netherlands or Australia, which have already agreed to take them in; calls likewise on the Thai Government to guarantee that all Lao Hmong in the Huay Nam Khao camp have access to screening and status determination procedures if they wish to make an asylum claim;
12. Calls on the Commission to monitor closely the situation of the Lao Hmong community and the government's programmes for ethnic minorities;
13. Reiterates its demand to the Laotian authorities to devise and implement as soon as possible all the reforms needed to bring democracy to the country, to guarantee the right to peaceful expression of political opposition and to ensure that internationally monitored multi-party elections take place soon, with a view to national reconciliation;

General

14. Urges the authorities to release immediately and unconditionally all human rights defenders, political prisoners and prisoners of conscience, as their detention is a violation of human rights; also requests the authorities to guarantee their physical and psychological wellbeing in all circumstances and to offer those who need it access to good independent professional medical care;

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15. Calls on the Council and the Commission to carry out a detailed assessment of the implementation policies in the field of democracy and human rights conducted in Laos and Vietnam since the signing of the Partnership and Cooperation Agreements and to report back to Parliament;

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16. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the governments and parliaments of Vietnam and Laos, the ASEAN Secretariat, the United Nations High Commissioner for Human Rights and the Secretary-General of the United Nations.

China: minority rights and application of the death penalty

P7_TA(2009)0105

European Parliament resolution of 26 November 2009 on China: minority rights and application of the death penalty

(2010/C 285 E/14)

The European Parliament,

- having regard to its previous resolutions of 1 February 2007 ⁽¹⁾ and 27 September 2007 ⁽²⁾ on a universal moratorium on the death penalty,
- having regard to the UN General Assembly resolutions of 18 December 2007 (A/RES/62/149) and of 18 December 2008 (A/RES/63/168) entitled 'Moratorium on the use of the death penalty',
- having regard to the declarations by the Presidency on behalf of the European Union of, respectively, 29 October 2009 regarding the executions of two Tibetans, Mr Lobsang Gyaltzen and Mr Loyak, and 12 November 2009 regarding the executions of nine persons of Uighur ethnicity following the riots of 5-7 July 2009 in Urumqi in the Xinjiang Uighur Autonomous Region (XUAR),
- having regard to Articles 35, 36 and 37 of the Constitution of the People's Republic of China, which provide, respectively, that all citizens shall enjoy freedom of expression and freedom of religious belief, and deem the freedom of the person to be 'inviolable',
- having regard to its previous resolutions on China and, in particular, to its resolution of 13 December 2007 on the EU-China Summit and the EU-China human rights dialogue ⁽³⁾,
- having regard to the EU-China seminar of 18-19 November 2009 and the 28th round of the EU-China human rights dialogue held on 20 November 2009 in Beijing,

⁽¹⁾ OJ C 250 E, 25.10.2007, p. 91.

⁽²⁾ OJ C 219 E, 28.8.2008, p. 306.

⁽³⁾ OJ C 323 E, 18.12.2008, p. 489.

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- having regard to the 27th round of the EU-China human rights dialogue held on 14 May 2009 in Prague,
 - having regard to the 12th EU-China Summit to be held on 30 November 2009 in Nanjing,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the Union is based on adherence to the values of freedom, democracy and observance of human rights and to the rule of law, and it regards observance of those inalienable rights as an essential prerequisite for peaceful existence in a society,
- B. whereas the new EU-China Strategic Partnership, currently being negotiated, is very important for relations between the Union and China in the future, and whereas a true partnership must be based on shared common values,
- C. whereas, on 8 May 2009, the Union called for commutation of the death sentences handed down by Lhasa Intermediate People's Court to several Tibetans following the Lhasa riots in March 2008,
- D. whereas, during the first days of July 2009, the worst ethnic violence in decades broke out in XUAR after Uighur demonstrators took to the streets and attacked Han Chinese in Urumqi, causing casualties among them, in protest against attacks on Uighur workers at a factory in South China in June 2009; whereas, according to official figures, 197 people died and more than 1 600 people were wounded,
- E. whereas, in order to ensure that Tibetans and Uighurs, China's two major ethnic minorities, can coexist peacefully with the great majority of the Chinese population, who are of Han ethnicity, it is essential to begin a frank, ongoing and mutually respectful dialogue,
- F. whereas there is growing dissatisfaction and resentment among the Uighur population – which is largely Muslim, shares linguistic and cultural bonds with Central Asia and accounts for almost half of Xinjiang's 20 million people – directed at the mainly Han Chinese authorities, the latter being accused of closely watching and containing religious activities in a context of employment discrimination and marginalisation of their own ethnic group in the region; whereas the call by human rights NGOs for the international community to send an independent investigative team to the site of the riots received no response,
- G. whereas the People's Republic of China has expressed a desire for harmonious ethnic relations in XUAR,
- H. whereas the legitimacy of the sentences passed on the Tibetans condemned for crimes during the March 2008 riots has been called into question in a report by Human Rights Watch, which states that some trial proceedings took place covertly on undisclosed dates and that the Tibetans were denied access to a meaningful defence with lawyers of their choosing,
- I. whereas religious observance in China is subject to restrictions and is closely controlled by the State,
- J. whereas the death penalty is applicable in the case of 68 offences in China, including non-violent offences such as tax fraud and drugs offences,

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1. Reiterates its long-standing opposition to the death penalty in all cases and under all circumstances; recalls the EU's strong commitment to working towards abolition of the death penalty everywhere and emphasises once again that abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights;
2. Recognises the positive move by the Supreme People's Court, in January 2007, to review death sentences but deplores the fact that it has not led to a significant decrease in the number of executions in China; remains concerned that China still carries out the greatest number of executions worldwide;
3. Urges the Chinese Government, therefore, to adopt a moratorium on the death penalty immediately and unconditionally, this being seen as a crucial step towards abolition of the death penalty; strongly condemns the execution of the two Tibetans, Lobsang Gyaltzen and Loyak, and of the nine persons of Uighur ethnicity following, respectively, the events in March 2008 in Lhasa and the riots of 5-7 July 2009 in Urumqi; calls on the Chinese authorities to suspend all the other death sentences passed by the Intermediate People's Courts of Lhasa and Urumqi and to commute those sentences, in the case of persons duly found guilty of acts of violence, to terms of imprisonment; condemns, too, the death sentences with two years' suspension imposed on Tenzin Phuntsok and Kangtsuk, following the March protests, and the imprisonment for life of Dawa Sangpo, and underlines its concern as to whether they received a fair trial;
4. Calls once again on China to ratify the International Covenant on Civil and Political Rights; deplores the often discriminatory treatment of ethnic and religious minorities in China;
5. Highlights the fact that the Chinese Government published its first National Human Rights Action Plan (2009-2010) in April 2009, aiming in particular to improve the protection of citizens' rights throughout the law-enforcement and judicial processes, eliminate arbitrary detention, prohibit the extortion of confessions by torture and ensure fair and open trials; calls on the Chinese authorities to make public the number of executions carried out;
6. Calls on the Chinese authorities to make every effort to develop a genuine Han-Uighur dialogue, to adopt more inclusive and comprehensive economic policies in Xinjiang aimed at strengthening local ownership, and to protect the cultural identity of the Uighur population;
7. Stresses that China's human rights record remains a matter of serious concern; insists on the need for rigorous follow-up between all rounds of the EU-China human rights dialogue, with a view to ensuring the application of the recommendations resulting from previous dialogues, which were mutually agreed by both parties, and in the form of the EU-China legal seminars on human rights which used to precede the rounds of the dialogue and which involved academic and civil-society representatives; calls on the Council and the Commission to put the questions of abolition of the death penalty and observance of ethnic minorities' and religious rights on the agenda for the 12th EU-China Summit on 30 November 2009, and to continue to pursue inclusion in the new Partnership and Cooperation Agreement, currently in negotiation, of a clause concerning respect for human rights in China;
8. Calls on the Chinese authorities to end immediately the 'Strike Hard' campaign, under which the rights of the people in XUAR are being repressed, while the causes of unrest are being ignored;
9. Calls for the reopening of sincere and results-orientated dialogue between the Chinese Government and the Dalai Lama's representatives, based on the 'Memorandum on Genuine Autonomy for the Tibetan People' and leading towards a positive, substantial and meaningful change in Tibet consistent with the principles outlined in the Constitution and laws of the People's Republic of China;

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10. Reiterates its solidarity with all the victims of the events in Urumqi, XUAR, in July 2009, while recognising the duty of the State institutions to maintain public order; is concerned at reports alleging that disproportionate force was used against ethnic Uighurs and that large numbers of them were detained;
 11. Calls on the Chinese authorities to ensure that those detained in connection with the above events are guaranteed humane treatment while in custody and fair trials in accordance with international law, including access to a lawyer of their choosing, presumption of innocence and proportionate sentencing of those found guilty;
 12. Instructs its President to forward this resolution to the Council, the Commission, the Governments of the Member States, the Council of Europe, the United Nations Human Rights Council and the Government of the People's Republic of China.
-

Tuesday 24 November 2009

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN PARLIAMENT

Request for defence of the immunity and privileges of Tobias Pflüger

P7_TA(2009)0082

European Parliament decision of 24 November 2009 on the request for defence of the immunity and privileges of Tobias Pflüger (2009/2055(IMM))

(2010/C 285 E/15)

The European Parliament,

- having regard to the request by Tobias Pflüger for defence of his immunity announced in plenary sitting on 5 May 2009,
- having regard to Article 10 of the Protocol of 8 April 1965 on the Privileges and Immunities of the European Communities, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
- having regard to the judgments of 12 May 1964 and 10 July 1986 ⁽¹⁾ of the Court of Justice of the European Communities,
- having regard to Article 46 of the Basic Law for the Federal Republic of Germany,
- having regard to its decision of 16 May 2006 on the request for waiver of the immunity of Tobias Pflüger ⁽²⁾,
- having regard to Rules 6(3) and 7 of its Rules of Procedure,
- having regard to the report of the Committee on Legal Affairs (A7-0054/2009),

A. whereas Parliament has already waived Tobias Pflüger's immunity by its decision of 16 May 2006 concerning the same set of facts,

⁽¹⁾ Case 101/63 *Wagner v Fohrmann and Krier* [1964] ECR 195, and Case 149/85 *Wybot v Faure and others* [1986] ECR 2391.

⁽²⁾ OJ C 297 E, 7.12.2006, p. 74.

Tuesday 24 November 2009

B. whereas it appears after examination that Parliament's prerogatives are threatened neither by the judgment against Tobias Pflüger of 2 March 2009 nor by the request of the public prosecutor on 15 April 2009 to increase the penalty imposed on him,

1. Decides not to defend the immunity and privileges of Tobias Pflüger;

 2. Instructs its President to forward this decision, and the report of the committee responsible, immediately to the appropriate authority of the Federal Republic of Germany.
-

Wednesday 25 November 2009

Adaptation of the European Parliament's Rules of Procedure to the Lisbon Treaty

P7_TA(2009)0088

European Parliament decision of 25 November 2009 on the adaptation of Parliament's Rules of Procedure to the Treaty of Lisbon (2009/2062(REG))

(2010/C 285 E/16)

The European Parliament,

- having regard to Rules 211 and 212 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs incorporating the amendments proposed by the Committee on Budgets in its opinion of 31 March 2009 (A7-0043/2009),
1. Decides to amend its Rules of Procedure as shown below;
 2. Decides that the amendments will enter into force on 1 December 2009;
 3. Instructs its President to forward this decision to the Council and the Commission, for information.

PRESENT TEXT

AMENDMENT

Amendment 3

Parliament's Rules of Procedure Rule 11 – paragraph 3 a (new)

3a. Paragraph 1 shall apply mutatis mutandis pending the entry into force of the arrangement ⁽¹⁾ whereby a number of additional seats in Parliament are allocated to certain Member States until the end of the seventh parliamentary term. The Member States concerned shall be invited to designate observers in accordance with their national law.

⁽¹⁾ Pursuant to the conclusions of the European Council of 11 and 12 December 2008.

Amendment 6

Parliament's Rules of Procedure Rule 36

Examination of respect for fundamental rights, the principles of subsidiarity and proportionality, the rule of law, and financial implications

Respect for the Charter of Fundamental Rights of the European Union

Wednesday 25 November 2009

PRESENT TEXT

AMENDMENT

During the examination of a legislative proposal, Parliament shall pay particular attention to respect for fundamental rights and in particular that the legislative act is in conformity with the European Union Charter of Fundamental Rights, the principles of subsidiarity and proportionality and the rule of law. In addition, where a proposal has financial implications, Parliament shall establish whether sufficient financial resources are provided.

1. Parliament shall in all its activities fully respect fundamental rights as laid down in the Charter of Fundamental Rights of the European Union.

Parliament shall also fully respect the rights and principles enshrined in Article 2 and in Article 6(2) and (3) of the Treaty on European Union.

2. Where the committee responsible for the subject-matter, a political group or at least 40 Members are of the opinion that a proposal for a legislative act or parts of it do not comply with rights enshrined in the Charter of Fundamental Rights of the European Union, the matter shall, at their request, be referred to the committee responsible for the interpretation of the Charter. The opinion of that committee shall be annexed to the report of the committee responsible for the subject-matter.

Amendment 7**Parliament's Rules of Procedure****Rule 38 – paragraph -1 (new)**

-1. Where a proposal for a legislative act has financial implications, Parliament shall establish whether sufficient financial resources are provided.

Amendment 8**Parliament's Rules of Procedure****Rule 38 a (new)****Rule 38a****Examination of respect for the principle of subsidiarity**

1. During the examination of a proposal for a legislative act, Parliament shall pay particular attention to respect for the principles of subsidiarity and proportionality.

2. The committee responsible for respect of the principle of subsidiarity may decide to make recommendations for the attention of the committee responsible in respect of any proposal for a legislative act.

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3. *If a national parliament sends the President a reasoned opinion in accordance with Article 3 of the Protocol on the role of national parliaments in the European Union and Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality, that document shall be referred to the committee responsible for the subject-matter and forwarded for information to the committee responsible for respect of the principle of subsidiarity.*

4. *Except in the cases of urgency referred to in Article 4 of the Protocol on the role of national parliaments in the European Union, the committee responsible for the subject-matter shall not proceed to its final vote before the expiry of the deadline of eight weeks laid down in Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality.*

5. *Where reasoned opinions on the non-compliance of proposal for a legislative act with the principle of subsidiarity represent at least one third of all the votes allocated to the national parliaments or a quarter in the case of a proposal for a legislative act submitted on the basis of Article 76 of the Treaty on the Functioning of the European Union, Parliament shall not take a decision until the author of the proposal has stated how it intends to proceed.*

6. *Where, under the ordinary legislative procedure, reasoned opinions on the non-compliance of a proposal for a legislative act with the principle of subsidiarity represent at least a simple majority of the votes allocated to the national parliaments, the committee responsible for the subject-matter, having considered the reasoned opinions submitted by the national parliaments and the Commission, and having heard the views of the committee responsible for respect of the principle of subsidiarity, may recommend to Parliament that it reject the proposal on the grounds of infringement of the principle of subsidiarity or submit to Parliament any other recommendation, which may include suggestions for amendments related to respect of the principle of subsidiarity. The opinion given by the committee responsible for respect of the principle of subsidiarity shall be annexed to any such recommendation.*

The recommendation shall be submitted to Parliament for a debate and vote. If a recommendation to reject the proposal is adopted by a majority of the votes cast, the President shall declare the procedure closed. Where Parliament does not reject the proposal, the procedure shall continue, taking into account any recommendations approved by Parliament.

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Amendment 9
Parliament's Rules of Procedure
Rule 44

Consultation on initiatives originating from a Member State

1. Initiatives originating from a Member State pursuant to **Article 67(1) of the EC Treaty or Articles 34(2) and 42 of the EU Treaty** shall be dealt with pursuant to this Rule and to Rules 36 to 39, 43 and 55.

2. The committee responsible may invite **a representative** of the originating Member **State** to present **its** initiative to the committee. The **representative** may be accompanied by the Presidency of the Council.

3. Before the committee responsible proceeds to the vote, it shall ask the Commission whether it has prepared a position on the initiative and if so request the Commission to state its position to the committee.

4. When two or more proposals originating from the Commission and/or the Member States with the same legislative objective have been submitted to Parliament simultaneously or within a short period of time, Parliament shall deal with them in a single report. In its report, the committee responsible shall indicate to which text it has proposed amendments and it shall refer to all other texts in the legislative resolution.

5. **The time period referred to in Article 39(1) of the EU Treaty shall commence when it is announced in plenary that Parliament has received, in the official languages, an initiative, together with an explanatory statement confirming the initiative's conformity with the Protocol on the application of the principles of subsidiarity and proportionality annexed to the EC Treaty.**

Legislative procedures on initiatives originating from Member States

1. Initiatives originating from Member States pursuant to **Article 76 of the Treaty on the Functioning of the European Union** shall be dealt with pursuant to this Rule and to Rules 36 to 39, 43 and 55.

2. The committee responsible may invite **representatives** of the originating Member **States** to present **their** initiative to the committee. The **representatives** may be accompanied by the Presidency of the Council.

3. Before the committee responsible proceeds to the vote, it shall ask the Commission whether it has prepared a position on the initiative and if so request the Commission to state its position to the committee.

4. When two or more proposals originating from the Commission and/or the Member States with the same legislative objective have been submitted to Parliament simultaneously or within a short period of time, Parliament shall deal with them in a single report. In its report, the committee responsible shall indicate to which text it has proposed amendments and it shall refer to all other texts in the legislative resolution.

Amendment 11
Parliament's Rules of Procedure
Rule 58 – paragraph 1

1. In the period following the adoption by Parliament of its position on a proposal by the Commission, the chair and the rapporteur of the committee responsible shall monitor the progress of the proposal in the course of the procedure leading to its adoption by the Council, notably to ensure that the undertakings made by the Council or the Commission to Parliament with respect to its **amendments** are properly observed.

1. In the period following the adoption by Parliament of its position on a proposal by the Commission, the chair and the rapporteur of the committee responsible shall monitor the progress of the proposal in the course of the procedure leading to its adoption by the Council, notably to ensure that the undertakings made by the Council or the Commission to Parliament with respect to its **position** are properly observed.

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Amendment 12
Parliament's Rules of Procedure
Rule 59 – subheading 1

Codecision procedure

Ordinary legislative procedure

(Horizontal amendment: the words 'codecision', 'codecision procedure' shall be replaced throughout the entire text of the Rules of Procedure by the words 'ordinary legislative procedure'.)

Amendment 13
Parliament's Rules of Procedure
Rule 60

Rule 60

deleted

Conciliation procedure contained in the 1975 joint declaration

1. *Where, in the case of certain important Community decisions, the Council intends to depart from the opinion of Parliament, a procedure for conciliation with the Council, with the active participation of the Commission, may be opened by Parliament when delivering its opinion.*

2. *This procedure shall be initiated by Parliament, either at its own or at the Council's initiative.*

3. *For the composition and procedure of the delegation to the conciliation committee and the reporting of the results to Parliament, Rule 68 shall apply.*

4. *The committee responsible shall report on the results of the conciliation. This report shall be debated and voted on by Parliament.*

Amendment 14
Parliament's Rules of Procedure
Rule 61 – title

Communication of the Council's *common* position

Communication of the Council's position

(Horizontal amendment: the words 'Council's common position', 'common position of the Council' or 'common position' shall be replaced throughout the entire text of the Rules of Procedure by the words 'Council's position', 'position of the Council' or 'position'.)

Amendment 15
Parliament's Rules of Procedure
Rule 62 – paragraph 1 – subparagraph 2

For any extension of time limits pursuant to Article 252(g) of the EC Treaty or Article 39(1) of the EU Treaty the President shall seek the agreement of the Council.

deleted

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Amendment 16
Parliament's Rules of Procedure
Rule 62 – paragraph 2

2. The President shall notify Parliament of any extension of time-limits pursuant to **Article 251(7)** of the *EC Treaty*, whether at the initiative of Parliament or of the Council.

2. The President shall notify Parliament of any extension of time-limits pursuant to **Article 294(14)** of the *Treaty on the Functioning of the European Union*, whether at the initiative of Parliament or of the Council.

(Horizontal amendment: the numbering of Articles in the EU Treaty and the EC Treaty are adapted throughout the Rules of Procedure to the consolidated version of the Treaty on European Union and of the Treaty on the Functioning of the European Union.)

Amendment 17
Parliament's Rules of Procedure
Rule 62 – paragraph 3

3. *The President, after consulting the chair of the committee responsible, may agree to a Council request to extend any time-limits pursuant to Article 252(g) of the EC Treaty.*

deleted

Amendment 18
Parliament's Rules of Procedure
Rule 65 – paragraph 4

4. *By way of derogation from paragraph 3, if a rejection by Parliament falls under the provisions of Article 252 of the EC Treaty, the President shall request the Commission to withdraw its proposal. If the Commission does so, the President shall announce in Parliament that the legislative procedure is closed.*

deleted

Amendments 73 and 88
Parliament's Rules of Procedure
Title II – Chapter 6 a (new) – heading (to be introduced after Rule 74)

CHAPTER 6a

CONSTITUTIONAL MATTERS

Amendment 20
Parliament's Rules of Procedure
Rule 74 a (new) (to be introduced in Chapter 6 a (new))

Rule 74a

Ordinary Treaty revision

1. *In accordance with Rules 41 and 48 the committee responsible may submit to Parliament a report containing proposals to the Council for amendment of the Treaties.*

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2. *If the European Council decides to convene a Convention, the representatives of Parliament shall be appointed by Parliament upon a proposal by the Conference of Presidents.*

Parliament's delegation shall elect its leader and its candidates for membership of any steering group or bureau set up by the Convention.

3. *Where the European Council requests Parliament's consent in relation to a decision not to convene a Convention for the examination of proposed amendments of the Treaties, the matter shall be referred to the committee responsible in accordance with Rule 81.*

Amendment 21

Parliament's Rules of Procedure

Rule 74 b (new) (to be introduced in Chapter 6 a (new))

Rule 74b

Simplified Treaty revision

In accordance with Rules 41 and 48 the committee responsible may submit to Parliament, in accordance with the procedure laid down in Article 48(6) of the Treaty on European Union, a report containing proposals to the European Council for revision of all or part of the provisions of Part Three of the Treaty on the Functioning of the European Union.

Amendment 22

Parliament's Rules of Procedure

Rule 74 c (new) (to be introduced in Chapter 6 a (new))

Rule 74c

Accession treaties

1. *Any application by a European State to become a member of the European Union shall be referred for consideration to the committee responsible.*

2. *Parliament may decide, on a proposal from the committee responsible, a political group or at least 40 Members, to request the Commission and the Council to take part in a debate before negotiations with the applicant State commence.*

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3. Throughout the negotiations the Commission and the Council shall inform the committee responsible regularly and thoroughly of the progress in the negotiations, if necessary on a confidential basis.

4. At any stage of the negotiations Parliament may, on the basis of a report from the committee responsible, adopt recommendations and require these to be taken into account before the conclusion of a Treaty for the accession of an applicant State to the European Union.

5. When the negotiations are completed, but before any agreement is signed, the draft agreement shall be submitted to Parliament for consent in accordance with Rule 81.

(Rule 89 is deleted.)

Amendment 23

Parliament's Rules of Procedure

Rule 74 d (new) (to be introduced in Chapter 6 a (new))

Rule 74d

Withdrawal from the Union

If a Member State decides, pursuant to Article 50 of the Treaty on European Union, to withdraw from the Union, the matter shall be referred to the committee responsible. Rule 74c shall apply *mutatis mutandis*. Parliament shall decide on consent to an agreement on the withdrawal by a majority of the votes cast.

Amendment 24

Parliament's Rules of Procedure

Rule 74 e (new) (to be introduced in Chapter 6 a (new))

Rule 74e

Breach by a Member State of fundamental principles

1. Parliament may, on the basis of a specific report of the committee responsible drawn up in accordance with Rules 41 and 48:

- (a) vote on a reasoned proposal calling on the Council to act pursuant to Article 7(1) of the Treaty on European Union;
- (b) vote on a proposal calling on the Commission or the Member States to submit a proposal pursuant to Article 7(2) of the Treaty on European Union;

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(c) *vote on a proposal calling on the Council to act pursuant to Article 7(3) or, subsequently, Article 7(4) of the Treaty on European Union.*

2. *Any request from the Council for consent in relation to a proposal submitted pursuant to Article 7(1) and (2) of the Treaty on European Union along with the observations submitted by the Member State in question shall be announced to Parliament and referred to the committee responsible in accordance with Rule 81. Except in urgent and justified circumstances, Parliament shall take its decision on a proposal from the committee responsible.*

3. *Decisions under paragraphs 1 and 2 shall require a two-thirds majority of the votes cast, constituting a majority of Parliament's component Members.*

4. *Subject to the authorisation of the Conference of Presidents, the committee responsible may submit an accompanying motion for a resolution. That motion for a resolution shall set out Parliament's views on a serious breach by a Member State, on the appropriate sanctions and on varying or revoking those sanctions.*

5. *The committee responsible shall ensure that Parliament is fully informed and, where necessary, asked for its views on all follow-up measures to its consent as given pursuant to paragraph 3. The Council shall be invited to outline developments as appropriate. On a proposal from the committee responsible, drawn up with the authorisation of the Conference of Presidents, Parliament may adopt recommendations to the Council.*

(Chapter 15 of Title II is deleted.)

Amendment 25

Parliament's Rules of Procedure

Rule 74 f (new) (to be introduced in Chapter 6 a (new))

Rule 74f

Composition of Parliament

In due time before the end of a parliamentary term, Parliament may, on the basis of a report drawn up by its committee responsible in accordance with Rule 41, make a proposal to modify its composition. The European Council's draft decision establishing the composition of Parliament shall be examined in accordance with Rule 81.

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Amendment 26
Parliament's Rules of Procedure
Rule 82 (to be introduced as Rule 74 g in Chapter 6 a (new))

Rule 82

Procedures in Parliament

1. Requests **by Member States or Commission proposals** to introduce enhanced cooperation between Member States **and consultations of Parliament** pursuant to Article 40a(2) of the EU Treaty shall be referred by the President to the committee responsible for consideration. Rules 37, 38, 39, 43, 53 to 60 and 81 shall apply as appropriate.

2. The committee responsible shall verify compliance with Article 11 of the EC Treaty and Articles 27a, 27b, 40, 43, 44 and 44a of the EU Treaty.

3. Subsequent acts proposed under enhanced cooperation, once it is established, shall be dealt with in Parliament under the same procedures as when enhanced cooperation does not apply.

Rule 74g

Enhanced cooperation between Member States

1. Requests to introduce enhanced cooperation between Member States pursuant to Article 20 of the Treaty **on European Union** shall be referred by the President to the committee responsible for consideration. Rules 37, 38, 39, 43, 53 to 59 and 81 shall apply as appropriate.

2. The committee responsible shall verify compliance with Article 20 of the Treaty **on European Union** and Articles 326 to 334 of the Treaty **on the Functioning of the European Union**.

3. Subsequent acts proposed under enhanced cooperation, once it is established, shall be dealt with in Parliament under the same procedures as when enhanced cooperation does not apply. **Rule 43 shall apply.**

(Chapter 10 of Title II is deleted.)

Amendments 27 and 28
Parliament's Rules of Procedure
Rule 75

General Budget

Implementing procedures for examination of the General Budget of the European Union and supplementary budgets, in accordance with the financial provisions of the Treaties establishing the European Communities, shall be adopted by resolution of Parliament and annexed to these Rules⁽¹⁾.

⁽¹⁾ See Annex V.

Multiannual financial framework

Where the Council requests Parliament's consent concerning the proposal for a regulation laying down the multiannual financial framework, the matter shall be referred to the committee responsible in accordance with the procedure laid down in Rule 81. Parliament's consent shall require the votes of a majority of its component Members.

(Annex V is deleted.)

Amendment 29
Parliament's Rules of Procedure
Rule 75 a (new)

Rule 75a**Working documents**

1. The following documents shall be made available to Members:

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- (a) *the draft budget presented by the Commission;*
- (b) *a summary by the Council of its deliberations on the draft budget;*
- (c) *the Council's position on the draft budget drawn up pursuant to Article 314(3) of the Treaty on the Functioning of the European Union;*
- (d) *any draft decision on the provisional twelfths pursuant to Article 315 of the Treaty on the Functioning of the European Union.*

2. Those documents shall be referred to the committee responsible. Any committee concerned may deliver an opinion.

3. If other committees wish to deliver opinions, the President shall set the time limit within which these are to be communicated to the committee responsible.

(Article 1 of Annex V is deleted.)

Amendment 30

Parliament's Rules of Procedure Rule 75 b (new)

Rule 75b

Consideration of the draft budget – first stage

1. Subject to the conditions set out below, any Member may table and speak in support of draft amendments to the draft budget.

2. Draft amendments shall be admissible only if they are presented in writing, bear the signatures of at least 40 Members or are tabled on behalf of a political group or committee, specify the budget heading to which they refer and ensure the maintenance of a balance between revenue and expenditure. Draft amendments shall include all relevant information on the remarks to be entered against the budget heading in question.

All draft amendments to the draft budget must be justified in writing.

3. The President shall set the time limit for the tabling of draft amendments.

4. The committee responsible shall deliver its opinion on the texts submitted before they are discussed in Parliament.

Draft amendments which have been rejected in the committee responsible shall not be put to the vote in Parliament unless this has been requested in writing, before a deadline to be set by the President, by a committee or at least 40 Members; that deadline may on no account be less than 24 hours before the start of the vote.

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5. *Draft amendments to the estimates of Parliament which are similar to those already rejected by Parliament at the time when the estimates were drawn up shall be discussed only where the committee responsible has delivered a favourable opinion.*

6. *Notwithstanding Rule 55(2) of the Rules of Procedure, Parliament shall take separate and successive votes on:*

- each draft amendment,*
- each section of the draft budget,*
- a motion for a resolution concerning the draft budget.*

However, Rule 161(4) to (8) shall apply.

7. *Articles, chapters, titles and sections of the draft budget in respect of which no draft amendments have been tabled shall be deemed adopted.*

8. *Draft amendments shall require for adoption the votes of a majority of the component Members of Parliament.*

9. *If Parliament has amended the draft budget, the draft budget thus amended shall be forwarded to the Council and the Commission, together with the justifications.*

10. *The minutes of the sitting at which Parliament delivered its opinion on the draft budget shall be forwarded to the Council and the Commission.*

(Article 3 of Annex V is deleted.)

Amendment 31
Parliament's Rules of Procedure
Rule 75 c (new)

Rule 75c

Financial trilogue

The President shall participate in regular meetings between the Presidents of the European Parliament, the Council and the Commission convened, on the initiative of the Commission, under the budgetary procedures referred to in Title II of Part Six of the Treaty on the Functioning of the European Union. The President shall take all necessary steps to promote consultation and reconciliation of the positions of the institutions in order to facilitate the implementation of the procedures aforementioned.

The President of Parliament may delegate this task to a Vice-President having experience in budgetary matters or to the Chair of the committee responsible for budgetary issues.

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Amendment 32
Parliament's Rules of Procedure
Rule 75 d (new)

Rule 75d

Budgetary conciliation

1. *The President shall convene the Conciliation Committee in accordance with Article 314(4) of the Treaty on the Functioning of the European Union.*

2. *The delegation representing Parliament at meetings of the Conciliation Committee in the budgetary procedure shall consist of a number of members equal to that of the Council delegation.*

3. *The members of the delegation shall be appointed by the political groups each year prior to Parliament's vote on the Council's position, preferably from amongst the members of the committee responsible for budgetary issues and other committees concerned. The delegation shall be led by the President of Parliament. The President may delegate this role to a Vice-President having experience in budgetary matters or to the Chair of the committee responsible for budgetary issues.*

4. *Rule 68(2), (4), (5), (7) and (8) shall apply.*

5. *Where agreement on a joint text is reached within the Conciliation Committee, the matter shall be placed on the agenda of a sitting of Parliament to be held within 14 days from the date of that agreement. The joint text shall be made available to all Members. Rule 69(2) and (3) shall apply.*

6. *The joint text as a whole shall be subject to a single vote. The vote shall be taken by a roll-call vote. The joint text shall be deemed to be approved unless it is rejected by a majority of the component Members of the Parliament.*

7. *If Parliament approves the joint text whilst the Council rejects it, the committee responsible may table all or some of Parliament's amendments to the Council's position for a confirmation in accordance with point (d) of Article 314(7) of the Treaty on the Functioning of the European Union.*

The vote on the confirmation shall be placed on the agenda of a sitting of Parliament to be held within 14 days from the date of the communication by the Council of its rejection of the joint text.

The amendments shall be deemed to be confirmed if they are approved by a majority of the component Members of Parliament and three fifths of the votes cast.

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Amendment 33
Parliament's Rules of Procedure
Rule 75 e (new)

Rule 75e

Definitive adoption of the budget

Where the President is satisfied that the budget has been adopted in accordance with the provisions of Article 314 of the Treaty on the Functioning of the European Union, he shall declare in Parliament that the budget has been definitively adopted. He shall arrange for its publication in the Official Journal of the European Union.

(Article 4 of Annex V is deleted.)

Amendment 34
Parliament's Rules of Procedure
Rule 75 f (new)

Rule 75f

Provisional twelfths system

- 1. Any decision by the Council authorising expenditure in excess of the provisional one twelfth for expenditure shall be referred to the committee responsible.*
- 2. The committee responsible may table a draft decision to reduce the expenditure referred to in paragraph 1. Parliament shall decide on it within 30 days after the adoption of the Council's decision.*
- 3. Parliament shall act by a majority of its component Members.*

(Article 7 of Annex V is deleted.)

Amendment 35
Parliament's Rules of Procedure
Rule 79 a (new)

Rule 79a

Procedure to be applied when drawing up Parliament's estimates

- 1. As regards Parliament's budget, the Bureau and the committee responsible for budgetary issues shall take decisions in successive stages on:*
 - (a) the establishment plan;*

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(b) the preliminary draft and the draft estimates.

2. The decisions concerning the establishment plan will be taken in accordance with the following procedure:

(a) the Bureau shall draw up the establishment plan for each financial year;

(b) a conciliation procedure between the Bureau and the committee responsible for budgetary issues shall be opened in cases where the opinion of the latter diverges from the initial decisions taken by the Bureau;

(c) at the end of the procedure, the Bureau shall take the final decision on the estimates for the establishment plan, in accordance with Rule 207(3), without prejudice to decisions taken pursuant to Article 314 of the Treaty on the Functioning of the European Union.

3. As regards the estimates proper, the procedure for drawing up the estimates will begin as soon as the Bureau has taken a final decision on the establishment plan. The stages of that procedure will be those laid down in Rule 79. A conciliation procedure shall be opened in cases where the positions of the committee responsible for budgetary issues and of the Bureau are widely divergent.

(Rule 79(7) and Article 8 of Annex V are deleted.)

Amendment 37

Parliament's Rules of Procedure

Rule 81 – paragraph 1

1. Where Parliament is requested to give its **assent** to a proposed act, it shall take a decision on the basis of a recommendation from the committee responsible to approve or reject the act.

Parliament shall take a decision on the act requiring its **assent** under the **EC** or **EU Treaty** by means of a single vote, and no amendments may be tabled. The majority required for the adoption of the **assent** shall be the majority indicated in the article of the **EC Treaty** or of the **EU Treaty** that constitutes the legal basis for the proposed act.

1. Where Parliament is requested to give its **consent** to a proposed act, it shall take a decision on the basis of a recommendation from the committee responsible to approve or reject the act.

Parliament shall take a decision on the act requiring its **consent** under the **Treaty on European Union** or **the Treaty on the Functioning of the European Union** by means of a single vote, and no amendments may be tabled. The majority required for the adoption of the **consent** shall be the majority indicated in the article of the **Treaty on European Union** or of the **Treaty on the Functioning of the European Union** that constitutes the legal basis for the proposed act.

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Amendment 38
Parliament's Rules of Procedure
Rule 81 – paragraph 2

2. For accession treaties and international agreements and determination of a serious and persistent breach of common principles by a Member State, Rules **89**, **90** **and 102** shall apply respectively. For an enhanced cooperation procedure in an area covered by the procedure ***laid down in Article 251 of the EC Treaty***, Rule **82** shall apply.

2. For accession treaties and international agreements and determination of a serious and persistent breach of common principles by a Member State, Rules **74c**, **74e** **and 90** shall apply respectively. For an enhanced cooperation procedure in an area covered by the **ordinary legislative** procedure, Rule **74g** shall apply.

(Horizontal amendment: the words 'procedure laid down in Article 251 of the EC Treaty' shall be replaced throughout the entire text of the Rules of Procedure by the words 'ordinary legislative procedure'.)

Amendment 39
Parliament's Rules of Procedure
Rule 81 – paragraph 3

3. Where Parliament's **assent** is required for a **legislative proposal**, the committee responsible may decide, in order to facilitate a positive outcome of the procedure, to present an interim report on the **Commission** proposal to Parliament with a motion for a resolution containing recommendations for modification or implementation of the **proposal**.

3. Where Parliament's **consent** is required for a **proposed legislative act or an envisaged international agreement**, the committee responsible may decide, in order to facilitate a positive outcome of the procedure, to present an interim report on the proposal to Parliament with a motion for a resolution containing recommendations for modification or implementation of the **proposed act**.

If Parliament approves at least one recommendation the President shall request further discussion with the Council.

The committee responsible shall make its final recommendation for the assent of Parliament in the light of the outcome of the discussion with the Council.

(Horizontal amendment: with the exception of Rules 56 and 57, the words 'Commission proposal' and 'legislative proposal' shall be replaced throughout the entire text of the Rules of Procedure by the words 'proposal for a legislative act' or 'proposed legislative act' as grammatically appropriate.)

Amendment 76
Parliament's Rules of Procedure
Rule 87 a (new)

Rule 87a

Delegated acts

Where a legislative act delegates to the Commission the power to supplement or amend certain non-essential elements of a legislative act, the committee responsible:

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-
- *shall examine any draft delegated act where it is transmitted to Parliament for scrutiny;*
 - *may submit to Parliament in a motion for a resolution any appropriate proposal in accordance with the provisions of the legislative act.*
- The provisions of Rule 88(1), (2) and (3) shall apply mutatis mutandis.*

Amendment 41
Parliament's Rules of Procedure
Title II a (new) (to be introduced before Chapter 12)

TITLE IIa

EXTERNAL RELATIONS

Amendment 42
Parliament's Rules of Procedure
Chapter 12 – title

TREATIES AND INTERNATIONAL AGREEMENTS

INTERNATIONAL AGREEMENTS

Amendment 43
Parliament's Rules of Procedure
Rule 92

Rule 92

deleted

Appointment of the High Representative for the common foreign and security policy

1. Prior to the appointment of a High Representative for the common foreign and security policy, the President shall invite the President-in-Office of the Council to make a statement to Parliament, pursuant to Article 21 of the EU Treaty. The President shall invite the President of the Commission to make a statement at the same time.

2. Upon the appointment of the new High Representative for the common foreign and security policy, pursuant to Article 207(2) of the EC Treaty, and before officially taking office, the High Representative shall be invited by the President to make a statement to, and answer questions from, the committee responsible.

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3. *Following the statements and answers referred to in paragraphs 1 and 2 and at the initiative of the committee responsible, or in accordance with Rule 121, Parliament may make a recommendation.*

Amendment 44
Parliament's Rules of Procedure
Rule 93 – title

Appointment of special representatives for the purposes of the common foreign and security policy

Special representatives

Amendment 45
Parliament's Rules of Procedure
Rule 93 – paragraph 4 a (new)

4a. A special representative appointed by the Council with a mandate in relation to particular policy issues may be invited by Parliament, or may ask to be invited, to make a statement to the committee responsible.

(Rule 94(3) is deleted.)

Amendment 46
Parliament's Rules of Procedure
Rule 94

Rule 94

deleted

Statements by the High Representative for the common foreign and security policy and by other special representatives

1. The High Representative shall be invited to make statements in Parliament at least four times a year. Rule 110 shall apply.

2. The High Representative shall be invited at least four times a year to attend meetings of the committee responsible in order to make a statement and answer questions. The High Representative may also be invited, or may ask to be invited, on other occasions, whenever the committee considers this to be necessary.

3. Whenever a special representative is appointed by the Council with a mandate in relation to particular policy issues, that special representative may be invited by Parliament, or may ask to be invited, to make a statement to the committee responsible.

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Amendment 47**Parliament's Rules of Procedure
Rule 96 – paragraph 2**

2. The committees concerned shall seek to ensure that the **High Representative for the common foreign and security policy**, the Council and the Commission provide them with regular and timely information on the development and implementation of the Union's common foreign and security policy, on the costs envisaged each time that a decision entailing expenditure is adopted under that policy and on any other financial considerations relating to the implementation of actions under that policy. Exceptionally, at the request of the Commission, the Council or the High Representative, a committee may decide to hold its proceedings in camera.

2. The committees concerned shall seek to ensure that the **Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy**, the Council and the Commission provide them with regular and timely information on the development and implementation of the Union's common foreign and security policy, on the costs envisaged each time that a decision entailing expenditure is adopted under that policy and on any other financial considerations relating to the implementation of actions under that policy. Exceptionally, at the request of the Commission, the Council or the High Representative, a committee may decide to hold its proceedings in camera.

(Horizontal amendment: 'High Representative for the common foreign and security policy' shall be replaced throughout the entire text of the Rules of Procedure by 'Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy'.)

Amendment 48**Parliament's Rules of Procedure
Rule 96 – paragraph 3**

3. **An annual** debate shall be held on the consultative document established by the **Council** on the main aspects and basic choices of the common foreign and security policy, including the financial implications for the Union budget. The procedures laid down in Rule 110 shall apply.

3. **Twice a year, a** debate shall be held on the consultative document established by the **Vice-President/High Representative** on the main aspects and basic choices of the common foreign and security policy, including **the common security and defence policy and** the financial implications for the Union budget. The procedures laid down in Rule 110 shall apply.

Amendment 49**Parliament's Rules of Procedure
Chapter 14 – title**

POLICE AND JUDICIAL COOPERATION IN CRIMINAL MATTERS *deleted*

Amendment 50**Parliament's Rules of Procedure
Rule 99**

Rule 99 *deleted*

Provision of information to Parliament in the fields of police and judicial cooperation in criminal matters

1. **The committee responsible shall ensure that Parliament is fully and regularly informed on the activities covered by police and judicial cooperation in criminal matters and that its opinions are duly taken into consideration when the Council adopts common positions defining the approach of the Union to a particular matter pursuant to Article 34(2)(a) of the EU Treaty.**

Wednesday 25 November 2009

PRESENT TEXT

AMENDMENT

2. Exceptionally, at the request of the Commission or the Council, a committee may decide to hold its proceedings in camera.

3. The debate referred to in Article 39(3) of the EU Treaty shall be held in accordance with the arrangements laid down in Rule 110(2), (3) and (4).

Amendment 51
Parliament's Rules of Procedure
Rule 100

Rule 100*deleted*

Consultation of Parliament in the fields of police and judicial cooperation in criminal matters

Consultation of Parliament pursuant to Article 34(2)(b), (c) and (d) of the EU Treaty shall be dealt with pursuant to Rules 36 to 39, 43, 44 and 55.

Where applicable, consideration of the proposal shall then be placed, at the latest, on the agenda of the last sitting to be held before expiry of the time-limit laid down in accordance with Article 39(1) of the EU Treaty.

When Parliament is consulted on the draft Council decision appointing the Director and Board members of Europol, Rule 108 shall apply mutatis mutandis.

Amendment 52
Parliament's Rules of Procedure
Rule 101

Rule 101*deleted*

Recommendations in the fields of police and judicial cooperation in criminal matters

1. The committee responsible for matters relating to police and judicial cooperation in criminal matters may draw up recommendations to the Council in the field covered by Title VI of the EU Treaty after obtaining authorisation from the Conference of Presidents or on a proposal within the meaning of Rule 121.

2. In urgent cases the authorisation referred to in paragraph 1 may be granted by the President, who may likewise authorise an emergency meeting of the committee concerned.

3. Recommendations drawn up in this way shall be included on the agenda for the next part-session. Rule 97(4) shall apply mutatis mutandis.

(See also interpretation under Rule 121.)

Wednesday 25 November 2009

PRESENT TEXT

AMENDMENT

Amendment 53
Parliament's Rules of Procedure
Rule 105

1. When the Council *has agreed on* a *nomination* for President of the Commission, the President shall request the *nominee* to make a statement and present his or her political guidelines to Parliament. The statement shall be followed by a debate.

The Council shall be invited to take part in the debate.

2. Parliament shall *approve or reject* the *nomination* by a majority of *the votes cast*.

The vote shall be taken by secret ballot.

3. If the *nominee* is elected, the President shall inform the Council accordingly, requesting it and the President-elect of the Commission to propose by common accord the nominees for the various posts of Commissioners.

4. If *Parliament* does not *approve* the *nomination*, the President shall *request* the Council to *nominate* a new candidate.

1. When the *European* Council *proposes* a *candidate* for President of the Commission, the President shall request the *candidate* to make a statement and present his or her political guidelines to Parliament. The statement shall be followed by a debate.

The *European* Council shall be invited to take part in the debate.

2. Parliament shall *elect* the *President of the Commission* by a majority of *its component Members*.

The vote shall be taken by secret ballot.

3. If the *candidate* is elected, the President shall inform the Council accordingly, requesting it and the President-elect of the Commission to propose by common accord the nominees for the various posts of Commissioners.

4. If *the candidate* does not *obtain* the *required majority*, the President shall *invite* the *European* Council to *propose* a new candidate *within one month for election in accordance with the same procedure*.

Amendment 54
Parliament's Rules of Procedure
Rule 107 a (new)

Rule 107a

Nomination of Judges and Advocates-General at the Court of Justice of the European Union

On a proposal of its committee responsible, Parliament shall appoint its nominee to the panel of seven persons charged with scrutinising the suitability of candidates to hold the office of Judge or Advocate-General of the Court of Justice and the General Court.

Amendment 55
Parliament's Rules of Procedure
Rule 121 – paragraph 1

1. A political group or at least forty Members may table a proposal for a recommendation to the Council concerning subjects under **Titles V and VI** of the **EU Treaty**, or where Parliament has not been consulted on an international agreement within the scope of Rule 90 or 91.

1. A political group or at least forty Members may table a proposal for a recommendation to the Council concerning subjects under **Title V** of the **Treaty on European Union**, or where Parliament has not been consulted on an international agreement within the scope of Rule 90 or 91.

Wednesday 25 November 2009

PRESENT TEXT

AMENDMENT

Amendment 56**Parliament's Rules of Procedure
Rule 124 – paragraph -1 (new)**

-1. Where the Treaty on the Functioning of the European Union provides for consultation of the Economic and Social Committee, the President shall initiate the consultation procedure and inform Parliament thereof.

Amendment 57**Parliament's Rules of Procedure
Rule 124 – paragraph 2 a (new)**

2a. Opinions forwarded by the Economic and Social Committee shall be referred to the committee responsible.

Amendment 58**Parliament's Rules of Procedure
Rule 125 – paragraph -1 (new)**

-1. Where the Treaty on the Functioning of the European Union provides for consultation of the Committee of the Regions, the President shall initiate the consultation procedure and inform Parliament thereof.

Amendment 59**Parliament's Rules of Procedure
Rule 125 – paragraph 2 a (new)**

2a. Opinions forwarded by the Committee of the Regions shall be referred to the committee responsible.

Amendment 91**Parliament's Rules of Procedure
Rule 129****Rule 129***deleted*

Consequences of the Council failing to act following approval of its common position under the cooperation procedure

If, within three or, with the agreement of the Council, four months of the communication of the common position pursuant to Article 252 of the EC Treaty, Parliament has neither rejected nor amended the position, and the Council fails to adopt the proposed legislation in accordance with the common position, the President may, on behalf of Parliament and after consulting the committee responsible for legal affairs, bring an action against the Council in the Court of Justice under Article 232 of the EC Treaty.

Wednesday 25 November 2009

PRESENT TEXT

AMENDMENT

Amendment 61
Parliament's Rules of Procedure
Rule 132

The Conference of Presidents shall designate members of Parliament's delegation to any **convention**, conference or similar body involving representatives of parliaments and confer a mandate upon it that conforms to any relevant Parliament resolutions. The delegation shall elect its chair and, where appropriate, one or more vice-chairs.

The Conference of Presidents shall designate members of Parliament's delegation to any conference or similar body involving representatives of parliaments and confer a mandate upon it that conforms to any relevant Parliament resolutions. The delegation shall elect its chair and, where appropriate, one or more vice-chairs.

Amendment 65
Parliament's Rules of Procedure
Rule 149 – paragraph 12

12. Without prejudice to **Article 197** of the *EC Treaty*, the President shall seek to reach an understanding with the Commission **and** Council on appropriate allocation of speaking time for them.

12. Without prejudice to **Article 230** of the *Treaty on the Functioning of the European Union*, the President shall seek to reach an understanding with the Commission, **the Council and the President of the European Council** on appropriate allocation of speaking time for them.

(This paragraph shall become the last paragraph of Rule 149.)

Amendment 67
Parliament's Rules of Procedure
Rule 204 – title

Appointment of the Ombudsman

Election of the Ombudsman

Amendment 68
Parliament's Rules of Procedure
Rule 204 – paragraph 7

7. The person **appointed** shall immediately be called upon to take an oath before the Court of Justice.

7. The person **elected** shall immediately be called upon to take an oath before the Court of Justice.

Amendment 69
Parliament's Rules of Procedure
Annex V – Article 2

Article 2

deleted

Rate

1. *Subject to the conditions set out below, any Member may table and speak in support of proposals for decisions fixing a new maximum rate.*

2. *Such proposals shall be admissible only if they are tabled in writing and bear the signatures of at least forty Members or are tabled on behalf of a political group or committee.*

Wednesday 25 November 2009

PRESENT TEXT

AMENDMENT

3. *The President shall set the time limit for the tabling of such proposals.*

4. *The committee responsible shall report on these proposals before they are discussed in Parliament.*

5. *Parliament shall then vote on the proposals.*

Parliament shall act by a majority of its component Members and three fifths of the votes cast.

Where the Council has informed Parliament of its agreement to the fixing of a new rate, the President shall declare in Parliament that the amended rate has been adopted.

If this is not the case, the Council's position shall be referred to the committee responsible.

Amendment 70
Parliament's Rules of Procedure
Annex V – Article 5

Article 5

deleted

Consideration of the Council's deliberations – second stage

1. *If the Council has modified one or more of the amendments adopted by Parliament, the text thus modified by the Council shall be referred to the committee responsible.*

2. *Subject to the conditions set out below, any Member may table and speak in support of draft amendments to the texts modified by the Council.*

3. *Such draft amendments shall be admissible only if they are presented in writing, bear the signature of at least forty Members or are tabled on behalf of a committee and ensure the maintenance of a balance between revenue and expenditure. Rule 49(5) shall not apply.*

Draft amendments shall be admissible only if they refer to the texts modified by the Council.

4. *The President shall set the time limit for the tabling of draft amendments.*

5. *The committee responsible shall pronounce on the texts modified by the Council and deliver its opinion on the draft amendments to the modified texts.*

Wednesday 25 November 2009

PRESENT TEXT

AMENDMENT

6. *Draft amendments to the texts modified by the Council shall be put to the vote in Parliament without prejudice to the provisions of Article 3(4) second subparagraph. Parliament shall act by a majority of its component Members and three fifths of the votes cast. If the draft amendments are adopted, the texts modified by the Council shall be deemed rejected. If they are rejected, the texts modified by the Council shall be deemed adopted.*

7. *The Council's summary of the results of its deliberations on the proposed modifications adopted by Parliament shall be debated and a motion for a resolution may then be put to the vote.*

8. *Upon completion of the procedure provided for in this Article, and subject to the provisions of Article 6, the President shall declare in Parliament that the budget has been finally adopted and shall arrange for its publication in the Official Journal.*

Amendment 71
Parliament's Rules of Procedure
Annex V – Article 6

Article 6

deleted

Total rejection

1. *A committee or at least forty Members may, for important reasons, table a proposal to reject the draft budget as a whole. Such a proposal shall be admissible only if it is accompanied by a written justification and tabled within the time limit set by the President. The reasons for rejection may not be contradictory.*

2. *The committee responsible shall deliver its opinion on such a proposal before it is put to the vote in Parliament.*

Parliament shall act by a majority of its component Members and two thirds of the votes cast. If the proposal is adopted, the draft budget as a whole shall be referred back to the Council.

Tuesday 24 November 2009

III

(Preparatory acts)

EUROPEAN PARLIAMENT

Electronic communications networks and services *III**

P7_TA(2009)0068

European Parliament legislative resolution of 24 November 2009 on the joint text approved by the Conciliation Committee for a directive of the European Parliament and of the Council amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services (PE-CONS 3677/2009 – C7-0273/2009 – 2007/0247(COD))

(2010/C 285 E/17)

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee (PE-CONS 3677/2009 – C7-0273/2009),
- having regard to its position at first reading ⁽¹⁾ on the Commission proposal to Parliament and the Council (COM(2007)0697),
- having regard to the amended Commission proposal (COM(2008)0724),
- having regard to its position at second reading ⁽²⁾ on the Council common position ⁽³⁾,
- having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2009)0420),
- having regard to Article 251(5) of the EC Treaty,
- having regard to Rule 69 of its Rules of Procedure,
- having regard to the report of its delegation to the Conciliation Committee (A7-0070/2009),

⁽¹⁾ Texts adopted, 24.9.2008, P6_TA(2008)0449.

⁽²⁾ Texts adopted, 6.5.2009, P6_TA(2009)0361.

⁽³⁾ OJ C 103 E, 5.5.2009, p. 1.

Tuesday 24 November 2009

1. Approves the joint text;
2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
3. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the Official Journal of the European Union;
4. Instructs its President to forward this legislative resolution to the Council and the Commission.

Statistics on pesticides ***III

P7_TA(2009)0069

European Parliament legislative resolution of 24 November 2009 on the joint text approved by the Conciliation Committee for a regulation of the European Parliament and of the Council concerning statistics on pesticides (PE-CONS 3676/2009 – C7-0258/2009 – 2006/0258(COD))

(2010/C 285 E/18)

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee (PE-CONS 3676/2009 – C7-0258/2009),
- having regard to its position at first reading ⁽¹⁾ on the Commission proposal to Parliament and the Council (COM(2006)0778),
- having regard to its position at second reading ⁽²⁾ on the Council common position ⁽³⁾,
- having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2009)0486),
- having regard to Article 251(5) of the EC Treaty,
- having regard to Rule 69 of its Rules of Procedure,
- having regard to the report of its delegation to the Conciliation Committee (A7-0063/2009),

⁽¹⁾ OJ C 66 E, 20.3.2009, p. 98.

⁽²⁾ Texts adopted, 24.4.2009, P6_TA(2009)0318.

⁽³⁾ OJ C 38 E, 17.2.2009, p. 1.

Tuesday 24 November 2009

1. Approves the joint text;
2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
3. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
4. Instructs its President to forward this legislative resolution to the Council and the Commission.

Community financial aid in the field of trans-European networks (codification)
*****I**

P7_TA(2009)0070

European Parliament legislative resolution of 24 November 2009 on the proposal for a regulation of the European Parliament and of the Council laying down general rules for the granting of Community financial aid in the field of trans-European networks (codified version)
(COM(2009)0113 – C7-0039/2009 – 2009/0037(COD))

(2010/C 285 E/19)

(Codecision procedure – codification)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2009)0113),
 - having regard to Article 251(2) and Article 156 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0039/2009),
 - having regard to the Interinstitutional Agreement of 20 December 1994 - Accelerated working method for official codification of legislative texts ⁽¹⁾,
 - having regard to Rules 86 and 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A7-0057/2009),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question contains a straightforward codification of the existing texts without any change in their substance,
1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
 2. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ OJ C 102, 4.4.1996, p. 2.

Tuesday 24 November 2009

Macro-financial assistance to Georgia *

P7_TA(2009)0071

European Parliament legislative resolution of 24 November 2009 on the proposal for a Council decision providing macro-financial assistance to Georgia (COM(2009)0523 – C7-0269/2009 – 2009/0147(CNS))

(2010/C 285 E/20)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2009)0523),
 - having regard to Article 308 of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0269/2009),
 - having regard to the Report of the Independent International Fact-Finding Mission on the Conflict in Georgia of September 2009 (Tagliavini Report),
 - having regard to Rules 55 and 46(1) of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade (A7-0060/2009),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 4. Instructs its President to forward its position to the Council and the Commission.
-

Tuesday 24 November 2009

Macro-financial assistance to Armenia *

P7_TA(2009)0072

European Parliament legislative resolution of 24 November 2009 on the proposal for a Council decision providing macro-financial assistance to Armenia (COM(2009)0531 – C7-0268/2009 – 2009/0150(CNS))

(2010/C 285 E/21)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2009)0531),
 - having regard to Article 308 of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0268/2009),
 - having regard to Rules 55 and 46(1) of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade (A7-0059/2009),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 4. Instructs its President to forward its position to the Council and the Commission.
-

Tuesday 24 November 2009

Macro-financial assistance to Serbia *

P7_TA(2009)0073

European Parliament legislative resolution of 24 November 2009 on the proposal for a Council decision providing macro-financial assistance to Serbia (COM(2009)0513 – C7-0270/2009 – 2009/0145(CNS))

(2010/C 285 E/22)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2009)0513),
 - having regard to Article 308 of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0270/2009),
 - having regard to Rules 55 and 46(1) of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade (A7-0061/2009),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 4. Instructs its President to forward its position to the Council and the Commission.
-

Tuesday 24 November 2009

Macro-financial assistance to Bosnia and Herzegovina *

P7_TA(2009)0074

European Parliament legislative resolution of 24 November 2009 on the proposal for a Council decision providing macro-financial assistance to Bosnia and Herzegovina (COM(2009)0596 – C7-0278/2009 – 2009/0166(CNS))

(2010/C 285 E/23)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2009)0596),
 - having regard to Article 308 of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0278/2009),
 - having regard to Rules 55 and 46(1) of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade (A7-0067/2009),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 4. Instructs its President to forward its position to the Council and the Commission.
-

Tuesday 24 November 2009

Common system of value added tax *

P7_TA(2009)0075

European Parliament legislative resolution of 24 November 2009 on the draft Council directive amending various provisions of the VAT Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (10893/2009 – C7-0002/2009 – 2007/0238(CNS))

(2010/C 285 E/24)

(Consultation procedure – renewed consultation)

The European Parliament,

- having regard to the Council draft (10893/2009),
 - having regard to the Commission proposal to the Council (COM(2007)0677),
 - having regard to its position of 8 July 2008 ⁽¹⁾,
 - having regard to Article 93 of the EC Treaty, pursuant to which the Council again consulted Parliament (C7-0002/2009),
 - having regard to Rules 55 and 59(3) of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0055/2009),
1. Approves the Council draft as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Calls on the Council to consult Parliament again if it intends to amend the draft substantially or replace it with another text;
 5. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ Texts adopted, P6_TA(2008)0319.

Tuesday 24 November 2009

COUNCIL DRAFT

AMENDMENT

Amendment 1**Draft directive – amending act
Recital 8**

(8) In the context of their accession, Bulgaria and Romania were authorised to grant a tax exemption to small enterprises and to continue applying a VAT exemption to the international transport of passengers. For purposes of clarity and consistency, *these exemptions should be incorporated into the Directive itself.*

(8) In the context of their accession, Bulgaria and Romania were authorised to grant a tax exemption to small enterprises and to continue applying a VAT exemption to the international transport of passengers. For *the* purposes of clarity and consistency, *those* exemptions should be incorporated into the Directive itself. ***The legality and necessity of those exemptions should be reviewed at least every two years.***

Amendment 2**Draft directive – amending act
Recital 9**

(9) Regarding the right of deduction, the basic rule is that this right arises only in so far as the goods and services are used by a taxable person for the purposes of ***his business activity***. This rule should be clarified and strengthened with respect to the supply of immovable property ***and expenditure relating thereto*** in order to ensure that taxable persons are *dealt with* in an identical manner whenever immovable goods that they use for their business activity are not used exclusively for purposes related to that activity.

(9) Regarding the right of deduction, the basic rule is that this right arises only in so far as the goods and services are used by a taxable person for the purposes of ***the transactions of that person which give rise to a right of deduction***. That rule should be clarified and strengthened with respect to the supply of immovable property in order to ensure that taxable persons are *treated* in an identical manner whenever immovable goods that they use for their business activity are not used exclusively for purposes related to that activity. ***Consequently, the initial exercise of the right of deduction should be limited to that use which results in transactions giving rise to a right of deduction when the tax becomes chargeable.***

Amendment 3**Draft directive – amending act
Recital 10**

(10) ***Whilst*** immovable property and related expenditure account for the most significant cases where clarification and strengthening of the rule is appropriate, given the value and economic lifetime of such property and the fact that mixed use of this type of property is a common practice, ***it is nevertheless appropriate, in accordance with the principle of subsidiarity, to authorise Member States to apply the same rule to movable goods with a durable nature and forming part of the business assets.***

(10) ***Since*** immovable property and related expenditure account for the most significant cases where clarification and strengthening of the rule is appropriate, given the value and economic lifetime of such property and the fact that mixed use of this type of property is a common practice, ***the initial right of deduction should be applied to immovable property supplied to the taxable person and important services relating thereto, which, by virtue of their economic value, can be assimilated to the acquisition of immovable property. Conversely, minor repairs or improvements of limited economic significance should be excluded from the scope of the rule.***

Tuesday 24 November 2009

COUNCIL DRAFT

AMENDMENT

Amendment 4**Draft directive – amending act
Recital 11**

(11) With a view to ensuring an equitable deduction system for taxable persons in the context of the new rules, an adjustment system in accordance with the *other* rules on adjustment of deductions should be provided for which takes into account changes in the business and non-business use of the property concerned.

(11) With a view to ensuring an equitable deduction system for taxable persons in the context of the new rules, an adjustment system in accordance with the rules on adjustment of deductions should be provided for which takes into account changes in the business and non-business use of the property concerned **for a period corresponding to the existing adjustment period for immovable property acquired as capital goods.**

Amendment 5**Draft directive – amending act
Article 1 – point 12
Directive 2006/112/EC
Article 168 a – paragraph 1**

1. In the case of immovable property forming part of the business assets of a taxable person and used both for purposes of the taxable person's business and for his private use or that of his staff, or, more generally, for purposes other than those of his business, **VAT on expenditure related to this property shall be deductible in accordance with the principles set out in Articles 167, 168, 169 and 173 only up to the proportion of the property's use for purposes of the taxable person's business.**

1. In the case of immovable property forming part of the business assets of a taxable person and used both for purposes of the taxable person's business and for his private use or that of his staff, or, more generally, for purposes other than those of his business, **the initial exercise of the right of deduction arising when the tax becomes chargeable shall be limited to the proportion of the property's effective business use for transactions giving rise to a right of deduction.**

By way of derogation from Article 26, the changes in the proportion of use of immovable property referred to in the first subparagraph shall be taken into account in accordance with the *principles* provided for in **Articles 184 to 192 as applied in the respective Member State.**

By way of derogation from Article 26, the changes in the proportion of use of immovable property referred to in the first subparagraph shall be taken into account in accordance with the *conditions* provided for in **Articles 187, 188, 190 and 192 for adjusting the initial exercise of the right of deduction.**

The changes referred to in the second subparagraph shall be taken into account during the period defined by the Member States under Article 187(1) for immovable property acquired as capital goods.

Amendment 6**Draft directive – amending act
Article 1 – point 12
Directive 2006/112/EC
Article 168 a – paragraph 2**

2. **Member States may also apply paragraph 1 in relation to VAT on expenditure related to other goods forming part of the business assets as they specify.**

deleted

Tuesday 24 November 2009

COUNCIL DRAFT

AMENDMENT

Amendment 7**Draft directive – amending act
Article 1 a (new)****Article 1a****Evaluation**

The Commission shall evaluate to which extent it would be appropriate to authorise Member States to apply Article 168a(1) of Directive 2006/112/EC, and the general adjustment rules under Articles 184 to 192 thereof, to movable goods that have a durable nature and that form part of the business assets. Any legislative proposal in that respect shall aim to harmonise the applicable rules in order to eliminate, to the greatest extent possible, factors that could distort competition, with a view to ensuring the proper functioning of the internal market. Such a legislative proposal shall be accompanied by an independent impact assessment, taking negative and positive aspects into account.

Amendment of Annexes II and III to the OSPAR Convention *

P7_TA(2009)0076

European Parliament legislative resolution of 24 November 2009 on the proposal for a Council decision concerning the approval on behalf of the European Community, of the Amendments of Annex II and Annex III to the Convention for the protection of the marine environment of the North-East Atlantic (OSPAR Convention) in relation to the storage of carbon dioxide streams in geological formations (COM(2009)0236 – C7-0019/2009 – 2009/0071(CNS))

(2010/C 285 E/25)

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2009)0236),
- having regard to Articles 175(1) and 300(2), first subparagraph, of the EC Treaty,
- having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0019/2009),
- having regard to Rules 55 and 90(8) of its Rules of Procedure,
- having regard to the report of the Committee on the Environment, Public Health and Food Safety (A7-0051/2009),

Tuesday 24 November 2009

1. Approves the proposal for a Council decision as amended and approves the amendments to Annex II and Annex III to the Convention;
2. Instructs its President to forward its position to the Council and the Commission, and to the governments and parliaments of Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and United Kingdom.

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 1

Proposal for a Council decision

Recital 4 a (new)

(4a) The Community has recently adopted Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide⁽¹⁾. Under that Directive, the geological storage of carbon dioxide should be pursued provided that it obtains private, national and Community support and proves to be an environmentally safe technology; it should also be kept continuously under review from an environmental and safety perspective, and should not, in any way, serve as an incentive to increase the use of fossil fuel.

⁽¹⁾ OJ L 140, 5.6.2009, p. 114.

Amendment 2

Proposal for a Council decision

Recital 4 b (new)

(4b) Shared Community and Member States' competence, combined with the principle of unity in the international representation of the Community, favours joint action for simultaneous deposition of instruments of approval of the amendments by the Community and by those of its Member States which are Contracting Parties to the Convention;

Amendment 3

Proposal for a Council decision

Article 2 - paragraph 1 a (new)

Member States which are Contracting Parties to the Convention shall endeavour to take the necessary steps with a view to depositing their instruments of ratification or approval simultaneously with those of the European Community and the other Member States and as far as possible not later than 1 June 2010.

Tuesday 24 November 2009

EC-Denmark Agreement on the service of judicial and extrajudicial documents in civil or commercial matters *

P7_TA(2009)0077

European Parliament legislative resolution of 24 November 2009 on the proposal for a Council decision amending Decision 2006/326/EC to provide for a procedure for the implementation of Article 5(2) of the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters (COM(2009)0100 – C6-0108/2009 – 2009/0031(CNS))

(2010/C 285 E/26)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2009)0100),
 - having regard to Articles 61(c) and 300(2), first subparagraph, of the EC Treaty,
 - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0108/2009),
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A7-0058/2009),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 4. Instructs its President to forward its position to the Council and the Commission.
-

Tuesday 24 November 2009

EC-Denmark Agreement on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters *

P7_TA(2009)0078

European Parliament legislative resolution of 24 November 2009 on the proposal for a Council decision amending Decision 2006/325/EC to provide for a procedure for the implementation of Article 5(2) of the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (COM(2009)0101 – C6-0109/2009 – 2009/0034(CNS))

(2010/C 285 E/27)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2009)0101),
 - having regard to Articles 61(c) and 300(2), first subparagraph, of the EC Treaty,
 - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0109/2009),
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A7-0056/2009),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 4. Instructs its President to forward its position to the Council and the Commission.
-

Tuesday 24 November 2009

Recovery plan for Greenland halibut *

P7_TA(2009)0079

European Parliament legislative resolution of 24 November 2009 on the proposal for a Council regulation amending Council Regulation (EC) No 2115/2005 of 20 December 2005 establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation (COM(2009)0127 – C7-0006/2009 – 2009/0041(CNS))

(2010/C 285 E/28)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2009)0127),
 - having regard to Article 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0006/2009),
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A7-0046/2009),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 4. Instructs its President to forward its position to the Council and the Commission.
-

Tuesday 24 November 2009

Accession of the European Community to the Convention concerning International Carriage by Rail (COTIF) *

P7_TA(2009)0080

European Parliament legislative resolution of 24 November 2009 on the proposal for a Council decision on the conclusion by the European Community of the Agreement on the Accession of the European Community to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 (COM(2009)0441 – C7-0164/2009 – 2009/0121(CNS))

(2010/C 285 E/29)

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2009)0441),
 - having regard to Articles 71 and 300(2), first subparagraph, of the EC Treaty,
 - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0164/2009),
 - having regard to Rules 55 and 90(8) of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A7-0053/2009),
1. Approves the conclusion of the agreement;
 2. Instructs its President to forward its position to the Council and the Commission, and to the governments and parliaments of the Member States.

Tuesday 24 November 2009

Protocol on the Law Applicable to Maintenance Obligations *

P7_TA(2009)0081

European Parliament legislative resolution of 24 November 2009 on the proposal for a Council decision on the conclusion by the European Community of the Protocol on the Law Applicable to Maintenance Obligations (COM(2009)0081 – C6-0101/2009 – 2009/0023(CNS))

(2010/C 285 E/30)

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2009)0081),
- having regard to Articles 61(c) and 300(2) of the EC Treaty,
- having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0101/2009),
- having regard to Rules 55 and 90(8) of its Rules of Procedure,
- having regard to the report of the Committee on Legal Affairs (A7-0062/2009),

1. Approves conclusion of the Protocol;
 2. Instructs its President to forward its position to the Council and the Commission, and to the governments and parliaments of the Member States.
-

Tuesday 24 November 2009

Adaptation to the regulatory procedure with scrutiny – Part Five *I**

P7_TA(2009)0083

European Parliament legislative resolution of 24 November 2009 on the proposal for a regulation of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny – Adaptation to the regulatory procedure with scrutiny – Part Five (COM(2009)0142 – C7-0047/2009 – 2009/0048(COD))

(2010/C 285 E/31)

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2009)0142),
 - having regard to Article 251(2) and Article 152 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0047/2009),
 - having regard to its resolution of 23 September 2008 with recommendations to the Commission on the alignment of legal acts to the new Comitology Decision ⁽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 the Environment, Public Health and Food Safety (A7-0036/2009),
1. Rejects the Commission proposal;
 2. Calls on the Commission to submit a new proposal taking into account the provisions of the Treaty of Lisbon, in particular Article 290 of the Treaty on the Functioning of the European Union, and Parliament's abovementioned resolution of 23 September 2008;
 3. Calls on the Commission to submit proposals aligning the *acquis communautaire* to Article 290 of the Treaty on the Functioning of the European Union;
 4. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ Texts adopted, P6_TA(2008)0424.

Tuesday 24 November 2009

Use of information technology for customs purposes *

P7_TA(2009)0084

European Parliament legislative resolution of 24 November 2009 on the initiative of the French Republic with a view to adopting a Council decision on the use of information technology for customs purposes (17483/2008–C6–0037/2009–2009/0803(CNS))

(2010/C 285 E/32)

(Consultation procedure)

The European Parliament,

- having regard to the initiative of the French Republic (17483/2008),
 - having regard to Article 30(1)(a) of the EU Treaty,
 - having regard to Article 39(1) and Article 34(2)(c) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0037/2009) ,
 - having regard to Rules 100 and 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0052/2009),
1. Approves the initiative of the French Republic as amended;
 2. Calls on the Council to amend the text accordingly;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Calls on the Council to consult Parliament again if it intends to amend the initiative of the French Republic substantially;
 5. Instructs its President to forward its position to the Council and the Commission, and to the government of the French Republic.

Tuesday 24 November 2009

TEXT PROPOSED BY FRENCH REPUBLIC

AMENDMENT

Amendment 1**Initiative of the French Republic****Recital 3**

(3) It is necessary to reinforce cooperation between customs administrations, by laying down procedures under which customs administrations may act jointly and exchange personal and other data concerned with illicit trafficking activities, using new technology for the management and transmission of such information, **subject to** the provisions of **the Council of Europe Convention on the Protection of Individuals with Regard to Automatic Processing of Personal Data, done at Strasbourg on 28 January 1981**, and the principles contained in Recommendation R (87) 15 of the Committee of Ministers of the Council of Europe of 17 September 1987, regulating the use of personal data in the police sector.

(3) It is necessary to reinforce cooperation between customs administrations, by laying down procedures under which customs administrations may act jointly and exchange personal and other data concerned with illicit trafficking activities, using new technology for the management and transmission of such information, **taking into account** the provisions of **Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters** ⁽¹⁾ and the principles contained in Recommendation No. R (87) 15 of the Committee of Ministers of the Council of Europe of 17 September 1987, regulating the use of personal data in the police sector.

⁽¹⁾ OJ L 350, 30.12.2008, p. 60.

Amendment 2**Initiative of the French Republic****Recital 4**

(4) It is also necessary to enhance complementarity with actions in the context of cooperation with the European Police Office (Europol) and Eurojust, by **granting those agencies access to** the Customs Information System.

(4) It is also necessary to enhance complementarity with actions in the context of cooperation with the European Police Office (Europol) and Eurojust, by **allowing data from** the Customs Information System **to be communicated to those agencies subject to certain conditions**.

Amendment 3**Initiative of the French Republic****Recital 4 a (new)**

(4a) Reading access to the Customs Information System would allow Eurojust to obtain the information required for an accurate preliminary overview immediately in order to identify and overcome legal obstacles and achieve better prosecution results. Reading access to the customs files identification database would allow Eurojust to receive information about ongoing and closed investigations in different Member States and thus to enhance support for judicial authorities in those Member States.

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

(5a) Member States recognise the benefits of full access to the customs files identification database in terms of coordinating and strengthening the fight against cross-border crime. Member States should therefore commit to entering data in that database to the greatest extent possible.

Tuesday 24 November 2009

TEXT PROPOSED BY FRENCH REPUBLIC

AMENDMENT

Amendment 5**Initiative of the French Republic
Recital 5 b (new)**

(5b) Data obtained from the Customs Information System should not be transferred under any circumstances for use by the national authorities of third countries.

Amendment 6**Initiative of the French Republic
Recital 8**

(8) An operational analysis of the activities, **resources and intentions** of certain persons or businesses that do not comply **or appear not to comply** with national laws should help the customs authorities to take the appropriate measures in specific cases to achieve the objectives laid down as regards the fight against fraud.

(8) An operational analysis of the activities of certain persons or businesses that do not comply with national laws **and of the resources which they use, or have used, to commit, in a short space of time, infringements as defined in this Decision, or which have enabled such infringements to be committed**, should help the customs authorities to take the appropriate measures in specific cases to achieve the objectives laid down as regards the fight against fraud.

Amendment 7**Initiative of the French Republic
Recital 9 a (new)**

(9a) This Decision should not prevent Member States from applying their own constitutional rules relating to public access to official documents.

Amendment 8**Initiative of the French Republic
Article 2 – point 1 – point a**

(a) the movement of goods subject to measures of prohibition, restriction or control, in particular those measures covered by **Articles 36 and 223** of the Treaty establishing the European Community;

(a) the movement of goods subject to measures of prohibition, restriction or control, in particular those measures covered by **Articles 30 and 296** of the EC Treaty;

Amendment 9**Initiative of the French Republic
Article 2 – point 1 – point a a (new)**

(aa) measures to control cash movements within the Community, where such measures are taken in accordance with Article 58 of the EC Treaty;

Tuesday 24 November 2009

TEXT PROPOSED BY FRENCH REPUBLIC

AMENDMENT

Amendment 10**Initiative of the French Republic
Article 2 – point 1 – point b – point i**

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(i) the laws, regulations or administrative provisions of a Member State in the application of which the customs administration of that Member State has partial or total competence, concerning the cross-border movement of goods subject to measures of prohibition, restriction or control, in particular those measures referred to in Articles 36 and 223 of the Treaty establishing the European Community, and non-harmonised excise duties;</p> | <p>(i) the laws, regulations or administrative provisions of a Member State in the application of which the customs administration of that Member State has partial or total competence, concerning the cross-border movement of goods subject to measures of prohibition, restriction or control, in particular those measures referred to in Articles 30 and 296 of the EC Treaty, and non-harmonised excise duties;</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Amendment 11**Initiative of the French Republic
Article 2 – point 2**

- | | |
|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>2) the term 'personal data' means any information relating to an identified or identifiable individual;</p> | <p>2) the term 'personal data' means any information relating to an identified or identifiable natural person (data subject), an identifiable natural person being one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity;</p> |
|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Amendment 13**Initiative of the French Republic
Article 3 – paragraph 1 – point g a (new)**

(ga) cash detained, seized or confiscated.

Amendment 14**Initiative of the French Republic
Article 4 – paragraph 2 – point a**

- | | |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------|
| <p>(a) <i>name</i>, maiden name, forenames, former surnames and aliases;</p> | <p>(a) <i>names</i>, maiden name, forenames and aliases;</p> |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------|

Amendment 15**Initiative of the French Republic
Article 4 – paragraph 4 – introductory part**

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>4. With regard to <i>category</i> set out in point (g) of Article 3, the items of information included in respect of persons shall comprise no more than:</p> | <p>4. With regard to the categories set out in Article 3(1)(g) and (ga), the items of information entered in respect of persons shall comprise no more than:</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Tuesday 24 November 2009

TEXT PROPOSED BY FRENCH REPUBLIC

AMENDMENT

Amendment 16**Initiative of the French Republic
Article 4 – paragraph 5**

5. In any case personal data listed in Article 6, **first sentence, of the Council of Europe Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data, done at Strasbourg on 28 January 1981, hereinafter referred to as the '1981 Strasbourg Convention'**, shall not be **included**.

5. In any case personal data listed in Article 6 **of Framework Decision 2008/977/JHA** shall not be **entered**.

Amendment 17**Initiative of the French Republic
Article 5 – paragraph 1**

1. Data in the categories referred to in Article 3 shall be **included in** the Customs Information System only for the purpose of sighting and reporting, discreet surveillance, specific checks, or operational analysis.

1. Data in the categories referred to in **Article 3(1)(a) to (g)** shall be **entered in** the Customs Information System only for the purpose of sighting and reporting, discreet surveillance, specific checks **and strategic** or operational analysis.

Amendment 18**Initiative of the French Republic
Article 5 – paragraph 1 a (new)**

1a. Data in the category referred to in Article 3(1)(ga) shall be entered in the Customs Information System only for the purpose of strategic or operational analysis.

Amendment 19**Initiative of the French Republic
Article 5 – paragraph 2**

2. For the purpose of the suggested actions referred to in paragraph 1, namely sighting and reporting, discreet surveillance, specific checks, or operational analysis, personal data within **any of** the categories referred to in Article 3 may be **included** in the Customs Information System only if, especially on the basis of prior illegal activities, there are **real** indications to suggest that the person concerned has committed, is in the act of committing, or will commit serious contraventions of national laws.

2. For the purpose of the suggested actions referred to in paragraph 1, namely sighting and reporting, discreet surveillance, specific checks **and strategic** or operational analysis, personal data within the categories referred to in Article 3(1), **with the exception of point (e)**, may be **entered** in the Customs Information System only if, especially on the basis of prior illegal activities, there are **factual** indications **or reasonable grounds** to suggest that the person concerned has committed, is in the act of committing, or will commit serious contraventions of national laws.

Amendment 20**Initiative of the French Republic
Article 6 – paragraph 1 – point iv**

(iv) **persons accompanying the person concerned or occupants of the means of transport;** **deleted**

Tuesday 24 November 2009

TEXT PROPOSED BY FRENCH REPUBLIC

AMENDMENT

Amendment 21**Initiative of the French Republic
Article 7 – paragraph 2**

2. Each Member State shall send the other Member States and the committee referred to in Article 23 a list of its competent authorities which have been designated in accordance with paragraph 1 of this Article to have direct access to the Customs Information System **stating**, for each authority, which data it may have access to and for what purposes.

2. Each Member State shall send the other Member States and the committee referred to in Article 23 a list of its competent authorities which have been designated in accordance with paragraph 1 of this Article to have direct access to the Customs Information System. **Any amendment made to that list shall also be communicated to the other Member States and to the committee referred to in Article 23. The list shall state**, for each authority, which data it may have access to and for what purposes. **Each Member State shall ensure the publication of the list and any amendment thereto.**

Amendment 22**Initiative of the French Republic
Article 7 – paragraph 3**

3. **Notwithstanding the provisions of paragraphs 1 and 2, Member State may, by unanimous agreement, permit access to the Customs Information System by international or regional organisations. Such agreement shall take the form of a Council decision. In reaching this decision the Member States shall take account of any reciprocal arrangements and any opinion of the Joint Supervisory Authority referred to in Article 25 on the adequacy of data protection measures.**

*deleted***Amendment 23****Initiative of the French Republic
Article 8 – paragraph 1**

1. Member States may use data obtained from the Customs Information System only in order to achieve the aim stated in Article 1(2). **However, they may use it for administrative or other purposes with the prior authorisation of, and subject to any conditions imposed by, the Member State which included it in the system. Such other use shall be in accordance with the laws, regulations and procedures of the Member State which seeks to use it and should take into account Principle 5.5 of Recommendation R (87) 15 of the Committee of Ministers of the Council of Europe of 17 September 1987, regulating the use of personal data in the police sector, hereinafter referred to as 'Recommendation R (87) 15'.**

1. Member States, **Europol and Eurojust** may use data obtained from the Customs Information System only in order to achieve the aim stated in Article 1(2).

Amendment 24**Initiative of the French Republic
Article 8 – paragraph 2**

2. Without prejudice to *paragraphs 1 and 4 of this Article, Article 7(3)* and Articles 11 and 12, data obtained from the Customs Information System shall only be used by national authorities in each Member State designated by the Member State in question, which are competent, in accordance with the laws, regulations and procedures of that Member State, to act in order to achieve the aim stated in Article 1(2).

2. Without prejudice to Articles 11 and 12, data obtained from the Customs Information System shall only be used by national authorities in each Member State designated by the Member State in question, which are competent, in accordance with the laws, regulations and procedures of that Member State, to act in order to achieve the aim stated in Article 1(2).

Tuesday 24 November 2009

TEXT PROPOSED BY FRENCH REPUBLIC

AMENDMENT

Amendment 25

Initiative of the French Republic

Article 8 – paragraph 3 – subparagraph 1a (new)

Any amendment made to that list shall also be communicated to the other Member States and to the committee referred to in Article 23. Each Member State shall ensure the publication of the list and any amendment thereto.

Amendment 26

Initiative of the French Republic

Article 8 – paragraph 4

4. *Data obtained from the Customs Information System may, with the prior authorisation of, and subject to any conditions imposed by, the Member State which included it in the system, be communicated for use by national authorities other than those designated under paragraph 2, non-Member States, and international or regional organisations wishing to make use of them. Each Member State shall take special measures to ensure the security of such data when they are being transmitted or supplied to services located outside its territory. Details of such measures must be communicated to the Joint Supervisory Authority referred to in Article 25.* *deleted*

Amendment 27

Initiative of the French Republic

Article 11

1. *Subject to Chapter IX of this Decision, the European Police Office (Europol) shall, within its mandate, have the right to have access to the data entered into the Customs Information System in accordance with Articles 2, 3, 4, 5 and 6, to search those data directly, and to enter data into the system.*

Subject to Chapter IX of this Decision, Europol shall, within its mandate, have the right to make a duly substantiated request for data entered in the Customs Information System in accordance with Articles 2, 3, 4, 5 and 6 to be communicated to a clearly identified member of its staff.

2. *Where a search by Europol reveals the existence of an alert in the Customs Information System, Europol shall, via the channels defined in Council Decision [...] establishing a European Police Office (Europol Decision), inform the Member State which issued the alert.*

Data communicated in accordance with the preceding paragraph shall be destroyed either immediately, should they prove not to be of relevance to an ongoing Europol enquiry or investigation, or in accordance with the provisions of Article 14. Europol shall notify the competent authority which supplied the data of the fact that they have been destroyed and the reasons for their destruction. The competent authority shall record the notification.

3. *Use of information obtained from a search in the Customs Information System is subject to the consent of the Member State which entered the data into the system. If this Member State allows the use of such information, the handling thereof shall be governed by the Europol Decision. Europol may communicate such information to third countries and third bodies only with the consent of the Member State which entered the data into the system.*

Tuesday 24 November 2009

TEXT PROPOSED BY FRENCH REPUBLIC

AMENDMENT

4. *Europol may request further information from the Member States concerned, in accordance with the provisions of the Europol Decision.*

5. *Without prejudice to paragraphs 3 and 4, Europol shall not connect the parts of the Customs Information System to which it has access to any computer system for data collection and processing operated by or at Europol, nor transfer the data contained therein to any such system, nor download or otherwise copy any part of the Customs Information System.*

Europol shall limit access to data entered into the Schengen Information System to duly authorised staff of Europol.

Europol shall allow the Joint Supervisory Body, set up under Article 34 of the Europol Decision, to review the activities of Europol in the exercise of its right to accede to and to search data entered into the Customs Information System.

Amendment 28

Initiative of the French Republic
Article 11 – paragraph 5 a (new)

5a. Nothing in this Article shall be interpreted as affecting the provisions of Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) ⁽¹⁾ ('the Europol Decision') concerning data protection and the liability for any unauthorised or incorrect processing of such data by Europol staff or as affecting the powers of the Joint Supervisory Body set up pursuant to that Decision.

⁽¹⁾ OJ L 121, 15.5.2009, p. 37.

Amendment 29

Initiative of the French Republic
Article 12 – paragraph 1

1. *Subject to Chapter IX, the national members of Eurojust and their assistants shall, within their mandate, have the right to have access to the data entered into the Customs Information System in accordance with Articles 2, 3, 4, 5 and 6, and to search those data.*

1. The national members of Eurojust, their *deputies, assistants and specifically authorised staff* shall, within their mandate *and for the purpose of fulfilling their tasks*, have the right to have access to the data entered in the Customs Information System in accordance with *Articles 1, 3, 4, 5, 6, 15, 16, 17, 18 and 19* and to search those data.

Amendment 30

Initiative of the French Republic
Article 12 – paragraph 2

2. *Where a search by a national member of Eurojust reveals the existence of an alert in the Customs Information System, he or she shall inform the Member State having issued the alert thereof. Any communication of information obtained from such a search may be communicated to third countries and third bodies only with the consent of the Member State which issued the alert.*

2. *Where a search by a national member of Eurojust, their deputies, assistants or specifically authorised staff reveals a match between information processed by Eurojust and an entry in the Customs Information System, he or she shall inform the Member State which made the entry.*

Tuesday 24 November 2009

TEXT PROPOSED BY FRENCH REPUBLIC

AMENDMENT

Amendment 31**Initiative of the French Republic
Article 12 – paragraph 3**

3. Nothing in this Article shall be interpreted as affecting the provisions of **Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime** which concern data protection and the liability for any unauthorised or incorrect processing of such data by national members of Eurojust **or** their assistants, or as affecting the powers of the Joint Supervisory Body set up pursuant to that Decision.

3. Nothing in this Article shall be interpreted as affecting the provisions of **Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust** ⁽¹⁾ which concern data protection and the liability for any unauthorised or incorrect processing of such data by national members of Eurojust, their **deputies**, assistants **and specifically authorised staff**, or as affecting the powers of the Joint Supervisory Body set up pursuant to that Decision.

⁽¹⁾ OJ L 138, 4.6.2009, p. 14.

Amendment 32**Initiative of the French Republic
Article 12 – paragraph 4**

4. No parts of the Customs Information System to which the national members **or** their assistants have access shall be connected to any computer system for data collection and processing in operation by or at Eurojust, nor shall any data contained in the former be transferred to the latter, nor shall any part of the Customs Information System be downloaded.

4. No parts of the Customs Information System to which the national members **of Eurojust**, their **deputies**, assistants **or specifically authorised staff** have access shall be connected to any computer system for data collection and processing in operation by or at Eurojust, nor shall any data contained in the former be transferred to the latter, nor shall any part of the Customs Information System be downloaded.

Amendment 33**Initiative of the French Republic
Article 12 – paragraph 5**

5. Access to data entered in the Customs Information System shall be limited to the national members **and** their assistants and not be extended to Eurojust staff.

5. Access to data entered in the Customs Information System shall be limited to the national members **of Eurojust**, their **deputies**, assistants and **specifically authorised staff and shall** not be extended to **other** Eurojust staff.

Amendment 34**Initiative of the French Republic
Article 13 – paragraph 1**

1. Only the supplying Member State **or Europol** shall have the right to amend, supplement, **correct** or **delete** data which it has entered in the Customs Information System.

1. Only the supplying Member State shall have the right to amend, supplement, **rectify** or **erase** data which it has entered in the Customs Information System.

Amendment 35**Initiative of the French Republic
Article 13 – paragraph 2**

2. Should a supplying Member State **or Europol** note, or have drawn to its attention, that the data it **included** are factually inaccurate or were **included**, or are stored contrary to this Decision, it shall amend, supplement, **correct** or **delete** the data, as appropriate, and shall advise the other Member States **and Europol** accordingly.

2. Should a supplying Member State note, or have drawn to its attention, that the data it **entered** are factually inaccurate or were **entered**, or are stored contrary to this Decision, it shall amend, supplement, **rectify** or **erase** the data, as appropriate, and shall advise the other Member States **and Eurojust** accordingly.

Tuesday 24 November 2009

TEXT PROPOSED BY FRENCH REPUBLIC

AMENDMENT

Amendment 36**Initiative of the French Republic
Article 13 – paragraph 3**

3. If one of the Member States **or** Europol has evidence to suggest that an item of data is factually inaccurate, or was **included** or is stored in the Customs Information System, contrary to this Decision, it shall advise the supplying Member State **or Europol** as soon as possible. The **latter** shall check the data concerned and, if necessary, **correct** or **delete** the item without delay. The supplying Member State **or Europol** shall advise the other Member States and **Europol of any correction or deletion effected**.

3. If one of the Member States, Europol **or Eurojust** has evidence to suggest that an item of data is factually inaccurate, or was **entered** or is stored in the Customs Information System, contrary to this Decision, it shall advise the supplying Member State as soon as possible. The **supplying Member State** shall check the data concerned and, if necessary, **rectify** or **erase** the item without delay. The supplying Member State shall advise the other Member States and **Eurojust where an item of data has been rectified or erased**.

Amendment 37**Initiative of the French Republic
Article 13 – paragraph 4**

4. If, when entering data in the Customs Information System, a Member State **or Europol** notes that its report conflicts with a previous report as to content or suggested action, it shall immediately advise the Member State **or Europol** which made the previous report. The two Member States **or the Member State and Europol** shall then attempt to resolve the matter. In the event of disagreement, the first report shall stand, but those parts of the new report which do not conflict shall be **included** in the System.

4. If, when entering data in the Customs Information System, a Member State notes that its report conflicts with a previous report as to content or suggested action, it shall immediately advise the Member State which made the previous report. The two Member States shall then attempt to resolve the matter. In the event of disagreement, the first report shall stand, but those parts of the new report which do not conflict shall be **entered** in the System.

Amendment 38**Initiative of the French Republic
Article 13 – paragraph 5**

5. Subject to the provisions of this Decision, where in any Member State a court, or other competent authority within that Member State, makes a final decision as to amendment, supplementation, **correction** or **deletion** of data in the Customs Information System, the Member States **and Europol** undertake mutually to enforce such a decision. In the event of conflict between such decisions of courts or other competent authorities in different Member States, including those referred to in Article 22(4) concerning **correction or deletion**, the Member State which **included** the data in question **or Europol** shall **delete** them from the System.

5. Subject to the provisions of this Decision, where in any Member State a court, or other competent authority within that Member State, makes a final decision as to amendment, supplementation, **rectification** or **erasure** of data in the Customs Information System, the Member States undertake mutually to enforce such a decision. In the event of conflict between such decisions of courts or other competent authorities in different Member States, including those referred to in Article 22(4) concerning **rectification** or **erasure**, the Member State which **entered** the data in question shall **erase** them from the System.

Amendment 39**Initiative of the French Republic
Article 14 – paragraph 1**

1. Data **included** in the Customs Information System shall be kept only for the time necessary to achieve the purpose for which **it was included**. The need for their retention shall be reviewed at least annually by the supplying Member State, **or by Europol if the latter entered the data**.

1. Data **entered** in the Customs Information System shall be kept only for the time necessary to achieve the purpose for which **they were entered**. The need for their retention shall be reviewed at least annually by the supplying Member State.

Tuesday 24 November 2009

TEXT PROPOSED BY FRENCH REPUBLIC

AMENDMENT

Amendment 40**Initiative of the French Republic
Article 14 – paragraph 2**

2. The supplying Member State, **or Europol if the latter entered the data**, may, within the review period, decide to retain data until the next review if their retention is necessary for the purposes for which they were **included**. Without prejudice to Article 22, if there is no decision to retain data, they shall automatically be transferred to that part of the Customs Information System to which access shall be limited in accordance with paragraph 4 of this Article.

2. The supplying Member State may, within the review period, decide to retain data until the next review if their retention is necessary for the purposes for which they were **entered**. Without prejudice to Article 22, if there is no decision to retain data, they shall automatically be transferred to that part of the Customs Information System to which access shall be limited in accordance with paragraph 4 of this Article.

Amendment 41**Initiative of the French Republic
Article 14 – paragraph 3**

3. The Customs Information System shall automatically inform the supplying Member State, **or Europol if the latter entered the data**, of a scheduled transfer of data from the Customs Information System under paragraph 2, giving one month's notice.

3. The Customs Information System shall automatically inform the supplying Member State of a scheduled transfer of data from the Customs Information System under paragraph 2, giving one month's notice.

Amendment 42**Initiative of the French Republic
Article 14 – paragraph 4**

4. Data transferred under paragraph 2 shall continue to be retained for one year within the Customs Information System, but, without prejudice to Article 22, shall be accessible only to a representative of the *Committee* referred to in Article 23 or to the supervisory authorities referred to in **Articles 24(1) and 25(1)**. During that period they may consult the data only for the purposes of checking their accuracy and lawfulness, after which they **must be deleted**.

4. Data transferred under paragraph 2 shall continue to be retained for one year within the Customs Information System, but, without prejudice to Article 22, shall be accessible only to a representative of the *committee* referred to in Article 23 or to the supervisory authorities referred to in **Articles 22a and 25a**. During that period they may consult the data only for the purposes of checking their accuracy and lawfulness, after which they **shall be erased**.

Amendment 43**Initiative of the French Republic
Article 15 – paragraph 1**

1. The Customs Information System shall contain data in accordance with this Chapter, in addition to data in accordance with Article 3, in a special database, hereinafter referred to as 'the customs files identification database'. Without prejudice to the provisions of this Chapter and of Chapters VII and VIII, all the provisions of this Decision shall also apply to the customs files identification database.

1. The Customs Information System shall contain data in accordance with this Chapter, in addition to data in accordance with Article 3, in a special database, hereinafter referred to as 'the customs files identification database'. Without prejudice to the provisions of this Chapter and of Chapters VII and VIII, all the provisions of this Decision shall also apply to the customs files identification database. **The exceptions in Article 21(3) shall not apply.**

Tuesday 24 November 2009

TEXT PROPOSED BY FRENCH REPUBLIC

AMENDMENT

Amendment 44**Initiative of the French Republic
Article 15 – paragraph 2**

2. The aim of the customs files identification database shall be to enable the national authorities responsible for carrying out customs investigations designated pursuant to Article 7, when opening a file on or investigating one or more persons or businesses, to identify competent authorities of other Member States which are investigating or have investigated those persons or businesses, in order, through information on the existence of investigation files, to achieve the aim referred to in Article 1(2).

2. The aim of the customs files identification database shall be to enable the national authorities responsible for carrying out customs investigations designated pursuant to Article 7, when opening a file on or *when* investigating one or more persons or businesses, **and Europol and Eurojust**, to identify competent authorities of other Member States which are investigating or have investigated those persons or businesses, in order, through information on the existence of investigation files, to achieve the aim referred to in Article 1(2).

Amendment 45**Initiative of the French Republic
Article 15 – paragraph 3 – introductory part**

3. For the purposes of the customs files identification database, each Member State shall send the other Member States and the committee mentioned in Article 23 a list of serious **infringements** of its national laws.

3. For the purposes of the customs files identification database, each Member State shall send the other Member States, **Europol, Eurojust** and the committee referred to in Article 23 a list of serious **contraventions** of its national laws.

This list shall comprise only **infringements** that are punishable:

This list shall comprise only **contraventions** that are punishable:

Amendment 46**Initiative of the French Republic
Article 15 – paragraph 3 – point b**

(b) by a fine of at least **EUR 15 000**.

(b) by a fine of at least **EUR 25 000**.

Amendment 47**Initiative of the French Republic
Article 16 – paragraph 1 – introductory part**

1. **The competent authorities shall enter data** from investigation files in the customs files identification database for the purposes set out in Article 15(2). The data shall cover only the following categories:

1. **Data** from investigation files **shall be entered** in the customs files identification database **only** for the purposes set out in Article 15(2). The data shall only cover the following categories:

Amendment 49**Initiative of the French Republic
Article 17**

A Member State shall not be obliged to make entries pursuant to Article 16 in any particular case if and for such time as this would harm public policy or other essential interests, in particular **with regard to data protection, of the Member State concerned**.

A Member State shall not be obliged to make entries pursuant to Article 16 in any particular case if, and for such time as this would harm public policy or other essential interests, in particular **where this would present an immediate and serious threat to public security in that Member State, in another Member State or in a third country; where other essential interests of equal importance are at stake; where such entries could present serious harm to the rights of individuals or would prejudice an ongoing investigation**

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TEXT PROPOSED BY FRENCH REPUBLIC

AMENDMENT

Amendment 50**Initiative of the French Republic
Article 18 – paragraph 2 – point b**

- (b) for businesses: business name and/or name under which trade is conducted and/or VAT identifier and/or excise duties identification number **and/or address**.
- (b) for businesses: business name and/or name under which trade is conducted **and/or address** and/or VAT identifier, and/or excise duties identification number.

Amendment 51**Initiative of the French Republic
Article 19 – paragraph 1 – point b**

- (b) data relating to investigation files which have established that an infringement has taken place but which have not yet led to a conviction or to imposition of a fine shall not be retained beyond a period of **six years**;
- (b) data relating to investigation files which have established that an infringement has taken place but which have not yet led to a conviction or to imposition of a fine shall not be retained beyond a period of **three years**;

Amendment 52**Initiative of the French Republic
Article 20**

1. *Each Member State intending to receive personal data from, or include them in, the Customs Information System shall, no later than ..., adopt national measures sufficient to achieve a level of protection of personal data at least equal to that resulting from the principles of the 1981 Strasbourg Convention.*

Framework Decision 2008/977/JHA shall apply to the protection of the data exchanged in accordance with this Decision unless otherwise provided for in this Decision.

2. *A Member State shall receive personal data from, or include them in, the Customs Information System only where the arrangements for the protection of such data provided for in paragraph 1 have entered into force in the territory of that Member State. The Member State shall also have previously designated a national supervisory authority or authorities in accordance with Article 24.*

3. *In order to ensure the proper application of the data protection provisions in this Decision, the Customs Information System shall be regarded in every Member State as a national data file subject to the national provisions referred to in paragraph 1 and any more stringent provisions contained in this Decision.*

Amendment 53**Initiative of the French Republic
Article 21 – paragraph 1**

1. *Subject to Article 8(1), each Member State shall ensure that it shall be unlawful under its laws, regulations and procedures for personal data from the Customs Information System to be used other than for the purposes set out in Article 1(2).*
- deleted*

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TEXT PROPOSED BY FRENCH REPUBLIC

AMENDMENT

Amendment 54**Initiative of the French Republic
Article 21 – paragraph 3**

3. Subject to Article 8(1), personal data **included** by other Member States may not be copied from the Customs Information System into other national data files, except those copies held in systems of risk management used to direct national customs controls or copies held in an operational analysis system used to coordinate actions.

3. Subject to Article 8(1), personal data **entered** by other Member States may not be copied from the Customs Information System into other national data files, except those copies held in systems of risk management used to direct national customs controls or copies held in an operational analysis system used to coordinate actions. **Such copies may be made to the extent necessary for specific cases or investigations.**

Amendment 55**Initiative of the French Republic
Article 21 – paragraph 4**

4. In the two exceptional cases provided for in paragraph 3, only the analysts **designated** by the national authorities of each Member State shall be empowered to process personal data obtained from the Customs Information System within the framework of a risk management system used to direct customs controls by national authorities or of an operational analysis system used to coordinate actions.

4. In the two exceptional cases provided for in paragraph 3, only the analysts **authorised** by the national authorities of each Member State shall be empowered to process personal data obtained from the Customs Information System within the framework of a risk management system used to direct customs controls by national authorities or of an operational analysis system used to coordinate actions.

Amendment 56**Initiative of the French Republic
Article 21 – paragraph 7**

7. Personal data copied from the Customs Information System shall be kept only for the time necessary to achieve the purpose for which they were copied. The need for their retention shall be reviewed at least annually by the **partner** in the Customs Information System which carried out the copying. The storage period shall not exceed ten years. Personal data which are not necessary for the continuation of the analysis shall be **deleted** immediately or have any identifying factors removed.

7. Personal data copied from the Customs Information System shall be kept only for the time necessary to achieve the purpose for which they were copied. The need for their retention shall be reviewed at least annually by the **Member State** in the Customs Information System which carried out the copying. The storage period shall not exceed ten years. Personal data which are not necessary for the continuation of the **operational** analysis shall be **erased** immediately or have any identifying factors removed.

Amendment 57**Initiative of the French Republic
Article 22 – paragraph 1**

I. The rights of persons with regard to personal data in the Customs Information System, in particular their right of access, shall be **put into effect** in accordance with the laws, regulations and procedures of the Member State in which such rights are invoked.

The rights of persons with regard to personal data in the Customs Information System, in particular their right of access, **rectification, erasure or blocking** shall be **exercised** in accordance with the laws, regulations and procedures of the Member State **implementing Framework Decision 2008/977/JHA** in which such rights are invoked. **Access shall be refused to the extent that such refusal is necessary and proportionate in order to avoid jeopardising any ongoing national investigations, or during a period of discreet surveillance or sighting and reporting. When the applicability of an exemption is assessed, the legitimate interests of the person concerned shall be taken into account.**

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TEXT PROPOSED BY FRENCH REPUBLIC

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If laid down in the laws, regulations and procedures of the Member State concerned, the national supervisory authority provided for in Article 23 shall decide whether information is to be communicated and the procedures for so doing.

A Member State which has not supplied the data concerned may communicate data only if it has first given the supplying Member State an opportunity to adopt its position.

Amendment 58

Initiative of the French Republic
Article 22 – paragraph 2

2. A Member State, to which an application for access to personal data is made, shall refuse access if access may undermine the performance of the legal task specified in the report pursuant to Article 5(1), or in order to protect the rights and freedoms of others. Access shall be refused in any event during the period of discreet surveillance or sighting and reporting, and during the period in which the operational analysis of the data or administrative enquiry or criminal investigation is ongoing. *deleted*

Amendment 59

Initiative of the French Republic
Article 22 – paragraph 3

3. In each Member State, a person may, according to the laws, regulations and procedures of the Member State concerned, have personal data relating to himself corrected or deleted if those data are factually inaccurate, or were included or are stored in the Customs Information System contrary to the aim stated in Article 1(2) of this Decision or to the provisions of Article 5 of the 1981 Strasbourg Convention. *deleted*

Amendment 60

Initiative of the French Republic
Article 22 – paragraph 4 – first subparagraph – point c a (new)

(ca) block personal data;

Amendment 61

Initiative of the French Republic
Article 22 – paragraph 4 – second subparagraph

The Member States concerned undertake mutually to enforce the final decisions taken by a court, or other competent authority, pursuant to points (a) to (c).

The Member States concerned undertake mutually to enforce the final decisions taken by a court, or other competent authority, pursuant to points (a) to (c) **without prejudice to Article 29.**

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TEXT PROPOSED BY FRENCH REPUBLIC

AMENDMENT

Amendment 62**Initiative of the French Republic
Article 22 – paragraph 5**

5. *The references in this Article and in Article 13(5) to a 'final decision' do not indicate any obligation on the part of any Member State to appeal against a decision taken by a court or other competent authority.* **deleted**

Amendment 63**Initiative of the French Republic
Article 22 a (new)****Article 22a**

Each Member State shall designate a national supervisory authority or national supervisory authorities responsible for personal data protection to carry out independent supervision of such data entered in the Customs Information System in accordance with Framework Decision 2008/977/JHA.

Amendment 64**Initiative of the French Republic
Article 23 – paragraph 3**

3. *The Committee shall report annually to the Council, in accordance with Title VI of the Treaty on European Union, regarding the efficiency and effectiveness of the Customs Information System, making recommendations as necessary.*

3. *The committee shall report annually to the Council, in accordance with Title VI of the EU Treaty, regarding the efficiency and effectiveness of the Customs Information System, making recommendations as necessary. **That report shall be sent to the European Parliament for information.***

Amendment 65**Initiative of the French Republic
Article 24**

1. *Each Member State shall designate a national supervisory authority or authorities responsible for personal data protection to carry out independent supervision of such data included in the Customs Information System.* **deleted**

The supervisory authorities, in accordance with their respective national laws, shall carry out independent supervision and checks, to ensure that the processing and use of data held in the Customs Information System do not violate the rights of the person concerned. For this purpose the supervisory authorities shall have access to the Customs Information System

2. *Any person may ask any national supervisory authority to check personal data relating to himself on the Customs Information System and the use which has been or is being made of those data. That right shall be governed by the laws, regulations and procedures of the Member State in which the request is made. If the data have been included by another Member State, the check shall be carried out in close coordination with that Member State's national supervisory authority.*

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TEXT PROPOSED BY FRENCH REPUBLIC

AMENDMENT

Amendment 66
Initiative of the French Republic
Article 25

1. *A Joint Supervisory Authority shall be set up, consisting of two representatives from each Member State drawn from the respective independent national supervisory authority or authorities.*

deleted

2. *The Joint Supervisory Authority shall perform its task in accordance with the provisions of this Decision and of the 1981 Strasbourg Convention taking into account Recommendation R (87) 15.*

3. *The Joint Supervisory Authority shall be competent to supervise operation of the Customs Information System, to examine any difficulties of application or interpretation which may arise during its operation, to study problems which may arise with regard to the exercise of independent supervision by the national supervisory authorities of the Member States, or in the exercise of rights of access by individuals to the System, and to draw up proposals for the purpose of finding joint solutions to problems.*

4. *For the purpose of fulfilling its responsibilities, the Joint Supervisory Authority shall have access to the Customs Information System.*

5. *Reports drawn up by the Joint Supervisory Authority shall be forwarded to the authorities to which the national supervisory authorities submit their reports.*

Amendment 67
Initiative of the French Republic
Article 25 a (new)

Article 25a

1. *The European Data Protection Supervisor shall supervise the activities of the Commission in relation to the Customs Information System. The duties and powers referred to in Articles 46 and 47 of Regulation (EC)No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾ shall apply accordingly.*

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TEXT PROPOSED BY FRENCH REPUBLIC

AMENDMENT

2. *The national supervisory authorities and the European Data Protection Supervisor, each acting within the scope of their respective competences, shall cooperate actively within the framework of their responsibilities and shall ensure coordinated supervision of the Customs Information System.*

3. *The national supervisory authorities and the European Data Protection Supervisor shall meet for that purpose at least once a year. The costs and servicing of those meetings shall be for the account of the European Data Protection Supervisor. A report of activities shall be submitted to the European Parliament, the Council and the Commission every two years.*

(¹) OJ L 8, 12.1.2001, p. 1.

Amendment 68

Initiative of the French Republic Article 26 – paragraph 1 – point a

(a) by the competent authorities of the Member States in respect of the terminals of the Customs Information System in their respective States;

(a) by the competent authorities of the Member States in respect of the terminals of the Customs Information System in their respective Member States **and by Europol and Eurojust**;

Amendment 69

Initiative of the French Republic Article 26 – paragraph 2 – introductory part

2. In particular the competent authorities and the committee referred to in Article 23 shall take measures:

2. In particular the competent authorities, **Europol, Eurojust** and the committee referred to in Article 23 shall take measures:

Amendment 70

Initiative of the French Republic Article 26 – paragraph 2 – point d a (new)

(da) *to ensure that persons authorised to access the Customs Information System have access only to the data covered by their access authorisation and only by means of individual and unique user identities and confidential access modes (data access control);*

Amendment 71

Initiative of the French Republic Article 26 – paragraph 2 – point e

(e) *to guarantee that, with respect to the use of the Customs Information System, authorised persons have right of access only to data for which they have competence;*

deleted

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TEXT PROPOSED BY FRENCH REPUBLIC

AMENDMENT

Amendment 72**Initiative of the French Republic****Article 26 – paragraph 2 – point e a (new)**

(ea) to ensure that all authorities with a right of access to the Customs Information System create profiles describing the functions and responsibilities of persons who are authorised to access, enter, rectify, erase and search the data and make those profiles available to the national supervisory authorities referred to in Article 22a without delay at their request (personnel profiles);

Amendment 73**Initiative of the French Republic****Article 26 – paragraph 2 – point h a (new)**

(ha) to monitor the effectiveness of the security measures referred to in this paragraph and take the necessary organisational measures relating to internal monitoring to ensure compliance with this Decision (self-auditing).

Amendment 74**Initiative of the French Republic****Article 28 – paragraph 1**

1. Each Member State shall ***be responsible for the accuracy, currency and lawfulness of data it has included*** in the Customs Information System. ***Each Member State shall also be responsible for complying with the provisions of Article 5 of the 1981 Strasbourg Convention.***

1. Each Member State shall ***ensure that the data which it has entered*** in the Customs Information System ***in accordance with Article 3, Article 4(1) and Article 8 of Framework Decision 2008/977/JHA are accurate, up-to-date, complete and reliable and that they are entered lawfully.***

Amendment 75**Initiative of the French Republic****Article 28 – paragraph 2**

2. Each Member State shall be liable, in accordance with its ***laws, regulations and procedures, for injury*** caused to a person through the use of the Customs Information System ***in the Member State concerned.*** This shall also ***be the case where the injury was caused by the supplying*** Member State entering inaccurate data or entering data ***contrary to this Decision.***

2. Each Member State shall be liable in accordance with its ***national law for any damage*** caused to a person through the use of the Customs Information System. This shall also ***apply to damage caused by a*** Member State entering inaccurate data or entering ***or storing*** data ***unlawfully.***

Amendment 76**Initiative of the French Republic****Article 28 – paragraph 3**

3. If ***the*** Member State ***against which an action in respect of inaccurate data is brought is not the*** Member State which ***supplied it,*** the ***Member States concerned shall seek agreement as to what proportion, if any, of the sums paid out in compensation shall be reimbursed by the supplying*** Member State to the other Member State. Any such sums ***agreed shall be reimbursed on request.***

3. If ***a recipient*** Member State ***pays compensation for damage caused by the use of inaccurate data entered in the Customs Information System by another*** Member State, the ***Member State that entered the inaccurate data shall refund*** the recipient Member State the amount paid in compensation, ***taking into account any fault that may lie with the recipient*** Member State.

Tuesday 24 November 2009

TEXT PROPOSED BY FRENCH REPUBLIC

AMENDMENT

Amendment 77**Initiative of the French Republic
Article 28 – paragraph 3 a (new)**

3a. *Europol and Eurojust shall be liable in accordance with their constituent rules.*

Amendment 79**Initiative of the French Republic
Article 31**

The Member States shall ensure that their national law conforms to this Decision by

The Member States shall ensure that their national law conforms to this Decision by **1 July 2011**.

Amendment 80**Initiative of the French Republic
Article 32**

This Decision replaces the Convention on the use of information technology for customs purposes, as well as the Protocol of 12 March 1999 on the scope of the laundering of proceeds in the Convention on the use of information technology for customs purposes and the inclusion of the registration number of the means of transport in the Convention (hereinafter referred to as the 'protocol on the scope of the laundering of proceeds') and the Protocol of 8 May 2003 established in accordance with Article 34 of the Treaty on European Union, amending, as regards the creation of a customs files identification database, the Convention on the use of information technology for customs purposes (hereinafter referred to as the 'Protocol on the creation of a customs files identification database'), with effect from

This Decision replaces the Convention on the use of information technology for customs purposes, as well as the Protocol of 12 March 1999 on the scope of the laundering of proceeds in the Convention on the use of information technology for customs purposes and the inclusion of the registration number of the means of transport in the Convention (hereinafter referred to as the 'protocol on the scope of the laundering of proceeds') and the Protocol of 8 May 2003 established in accordance with Article 34 of the Treaty on European Union, amending, as regards the creation of a customs files identification database, the Convention on the use of information technology for customs purposes (hereinafter referred to as the 'Protocol on the creation of a customs files identification database'), with effect from **1 July 2011**.

Amendment 81**Initiative of the French Republic
Article 32 – paragraph 1 a (new)**

The Convention and protocols referred to in the first paragraph shall therefore cease to be in force from the date of application of this Decision.

Amendment 82**Initiative of the French Republic
Article 33**

Unless otherwise provided in this Decision, measures implementing the Convention on the use of information technology for customs purposes and the respective protocols on the scope of the laundering of proceeds and on the creation of a customs files identification database shall be repealed with effect from

Unless otherwise provided in this Decision, measures implementing the Convention on the use of information technology for customs purposes and the respective protocols on the scope of the laundering of proceeds and on the creation of a customs files identification database shall be repealed with effect from **1 July 2011**.

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TEXT PROPOSED BY FRENCH REPUBLIC

AMENDMENT

Amendment 83**Initiative of the French Republic
Article 34**

Any dispute between Member States on the interpretation or application of this Decision shall, in an initial stage, be examined by the Council in accordance with the procedure set out in Title VI of the Treaty on European Union with a view to reaching a solution. *deleted*

If no solution is found within six months, the matter will be referred to the Court of Justice of the European Communities by a party to the dispute.

Amendment 84**Initiative of the French Republic
Article 35 – paragraph 2**

2. It shall apply from

2. It shall apply from **1 July 2011**.

Wednesday 25 November 2009

Labelling of tyres with respect to fuel efficiency ***II

P7_TA(2009)0086

European Parliament legislative resolution of 25 November 2009 on the Council common position for adopting a regulation of the European Parliament and of the Council on the labelling of tyres with respect to fuel efficiency and other essential parameters (14639/6/2009 – C7-0287/2009 – 2008/0221(COD))

(2010/C 285 E/33)

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (14639/6/2009 – C7-0287/2009),
 - having regard to its position at first reading ⁽¹⁾ on the Commission proposal to Parliament and the Council (COM(2008)0779),
 - having regard to the amended Commission proposal (COM(2009)0348),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 72 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Industry, Research and Energy (A7-0076/2009),
1. Approves the common position;
 2. Takes note of the Commission statement annexed to this resolution;
 3. Notes that the act is adopted in accordance with the common position;
 4. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 5. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the Official Journal of the European Union;
 6. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ Texts adopted, 22.4.2009, P6_TA(2009)0248.

Wednesday 25 November 2009

ANNEX

COMMISSION STATEMENT

The Commission supports the use of Community instruments such as the Intelligent Energy-Europe Programme to contribute to initiatives that raise end-users' awareness of the benefits of tyre labelling.

By June 2012, the Commission will make available, in particular to consumer organisations and tyre manufacturers on its ec.europa website, information explaining each of the components of the tyre label and a harmonised fuel savings calculator.

Mobilisation of the European Globalisation Adjustment Fund: Belgium – textile industry; Ireland – Dell

P7_TA(2009)0087

European Parliament resolution of 25 November 2009 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(2009)0515 – C7-0208/2009 – 2009/2135(BUD))

(2010/C 285 E/34)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2009)0515 – C7 0208/2009),
- 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 (A7-0044/2009),

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

Wednesday 25 November 2009

- 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 Fund,
- C. whereas Belgium and Ireland have requested assistance in respect of cases concerning redundancies in the textiles sector in the Belgian regions of East and West Flanders ⁽¹⁾ and Limburg ⁽²⁾, and in the computer manufacturing industry in the Irish counties of Limerick, Clare and North Tipperary, as well as the city of Limerick ⁽³⁾,
- D. whereas both applications have fulfilled the eligibility criteria set up by the EGF Regulation,
- E. whereas in the case of the Irish application, supplementary information from the Commission has been requested by the Committee on Employment and Social Affairs,
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 Fund, 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 that in this respect the EGF can play a crucial role 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;

⁽¹⁾ EGF/2009/004 BE/Oost en West Vlaanderen textiles.

⁽²⁾ EGF/2009/005 BE/Limburg textiles.

⁽³⁾ EGF/2009/008 IE/Dell.

Wednesday 25 November 2009

5. Reminds the Commission, in the context of mobilising the EGF, not to systematically transfer payment appropriations from the European Social Fund, since the EGF was created as a separate specific instrument with its own objectives and deadlines;

 6. Recalls 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 budget review;

 7. Notes that the Committee on Employment and Social Affairs has assessed the Commission's proposal and has no objections to raise in the case of Belgian applications, but has requested clarifications from the Commission in respect of the Irish application regarding the Dell case; draws attention, however, to paragraphs 1 to 6 of the opinion by that committee;

 8. Will evaluate the consequences of the Commission replies before taking its final decision both on the legal and budgetary instrument;

 9. Expects the Commission to take stock of the current difficulties and to present from now on its proposals for decisions on the mobilisation of the EGF in separate documents: one proposal for a decision per Member State application;

 10. Approves the decision annexed to this resolution;

 11. 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;

 12. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.
-

Wednesday 25 November 2009

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 November 2009

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 establishing the European Community,

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 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) Belgium submitted two applications to mobilise the EGF, in respect of redundancies in the textiles sector, on 5 May 2009. These applications comply 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 9 198 874.
- (5) Ireland submitted an application to mobilise the EGF, in respect of redundancies in the computer manufacturing industry, on 29 June 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 14 831 050.
- (6) The EGF should, therefore, be mobilised in order to provide a financial contribution for the applications submitted by Belgium and Ireland.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

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HAVE DECIDED AS FOLLOWS:

Article 1

For the general budget of the European Union for the financial year 2009, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 24 029 924 in commitment and payment appropriations.

Article 2

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

Done at Strasbourg,

For the European Parliament
The President

For the Council
The President

Thursday 26 November 2009

European Year of Volunteering (2011) *

P7_TA(2009)0094

European Parliament legislative resolution of 26 November 2009 on the proposal for a Council decision on the European Year of Volunteering (2011) (COM(2009)0254 – C7-0054/2009 – 2009/0072(CNS))

(2010/C 285 E/35)

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2009)0254),
 - having regard to Article 308 of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0054/2009),
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education and the opinions of the Committee on Budgets, the Committee on Employment and Social Affairs and the Committee on Regional Development (A7-0077/2009),
1. Approves the Commission proposal as amended;
 2. Considers that the indicative amount indicated in the legislative proposal must be compatible with the ceilings of sub-heading 3b of the multiannual financial framework (MFF) 2007-2013 and points out that the annual amount will be decided by the Budgetary Authority within the annual budgetary procedure;
 3. Stresses that the funding of new activities should not jeopardise existing programmes or any other initiatives;
 4. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 5. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council and the Commission.

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 1
Proposal for a decision
Recital -1 (new)

(-1) The Treaty establishes citizenship of the Union, which complements national citizenship of the Member States and is an important element in strengthening and safeguarding the process of European integration.

Thursday 26 November 2009

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 2**Proposal for a decision****Recital - 1 a (new)**

(-1a) Encouraging active citizenship is a key element in strengthening cohesion and the development of democracy and Europe's role in the world.

Amendment 3**Proposal for a decision****Recital -1 b (new)**

(-1b) The 'European Year of Voluntary Activities promoting active citizenship' will emphasise that volunteering is a key expression of active citizenship and democracy, putting European values such as solidarity and non-discrimination into action and as such contributing to the harmonious development of European societies.

Amendment 4**Proposal for a decision****Recital 1**

(1) The Community and the Member States aim to promote the development of human resources with a view to a high level of employment and combating social exclusion.

(1) The Community and the Member States aim to promote the development of human resources with a view to a high level of employment and combating social exclusion **by adopting measures aimed at improving knowledge, developing exchanges of information and of best practices, promoting innovative approaches and evaluating experiences.**

Amendment 5**Proposal for a decision****Recital 3**

(3) **Volunteering constitutes** a non-formal learning experience which **enables both** the development of professional skills and competences **as well as** a major form of active civic participation. Actions carried out by volunteers of all ages are crucial to the development of democracy, one of the founding principles of the European Union, and contribute to the development of **human resources and to the social cohesion.**

(3) **Voluntary activities constitute** a **rich** non-formal learning experience which **enable** the development of professional **and social** skills and competences, **contribute to solidarity and constitute** a major form of active civic participation. **Volunteering promotes and encourages partnership and active citizenship, which puts European values such as solidarity and non-discrimination into action.** Actions carried out by volunteers of all ages are crucial to the development of democracy **and in particular participative democracy**, one of the founding principles of the European Union, and **to the promotion of human rights within and outside the European Union. Voluntary activities have the potential to contribute to the personal growth and well-being of individuals and the harmonious development of European societies in terms of solidarity, social inclusion and prosperity. Volunteering and voluntary activities should not, however, be a substitute for paid work, although the expenses of volunteers should be adequately reimbursed.**

Thursday 26 November 2009

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 6
Proposal for a decision
Recital 3 a (new)

(3a) The term ‘voluntary activities’ refers to all forms of voluntary activity, whether formal, non-formal, informal and vocational training, which are undertaken of a person’s own free will, choice and motivation, and are without concern for financial gain. They benefit the individual volunteer, communities and society as a whole. They are also a vehicle for individuals and associations to address human, social or environmental needs and concerns, especially when they are faced with emergency situations that can involve society as a whole. Such activities are often carried out in support of a non-profit organisation or community-based initiative. Voluntary activities do not replace professional, paid employment opportunities, but add value to society by virtue of their social and cultural aims.

Amendment 7
Proposal for a decision
Recital 4

(4) In fast-changing societies there is a need to ensure **the effectiveness of volunteer-supporting infrastructure** to allow more people to engage in **voluntary activities**. It is therefore important to support peer-learning and the exchange of good practices at Community level.

(4) In fast-changing societies there is a need to ensure **effective support and to implement measures for voluntary activities** to allow more people to engage in **them**. It is therefore important to support peer-learning and the exchange **and development** of good practices at Community, **national, regional and local** level, **inter alia by setting up efficient systems of cooperation and networking between volunteer organisations, and especially through the establishment of a web portal.**

Amendment 8
Proposal for a decision
Recital 5

(5) The 1997 Intergovernmental Conference adopted Declaration 38 on volunteering, which was attached to the final act of the Treaty of Amsterdam and recognised the important contribution made by voluntary service activities to developing social solidarity.

(5) The 1997 Intergovernmental Conference adopted Declaration 38 on volunteering, which was attached to the final act of the Treaty of Amsterdam and recognised the important contribution made by voluntary service activities to developing social solidarity **and promoting intergenerational volunteering.**

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TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 9**Proposal for a decision
Recital 12**

(12) **Volunteering is** targeted by several community programmes that focus on mobility in **volunteering**, such as the European Voluntary Service of the Youth in Action programme, the Life Long Learning programme and the Europe for Citizens programme.

(12) **Voluntary activities are** targeted by several community programmes **and networks** that focus on mobility in **voluntary activities for people of all ages**, such as the European Voluntary Service of the Youth in Action programme, the Life Long Learning programme and the Europe for Citizens programme. **Given the horizontal nature of volunteering, it will create synergies between those programmes.**

Amendment 10**Proposal for a decision
Recital 12 a (new)**

(12a) **Volunteering is an essential element in fostering active citizenship, nurturing civil society and strengthening solidarity.**

Amendment 11**Proposal for a decision
Recital 13**

(13) There exists a large variety of voluntary activities throughout Europe which should be **preserved** and developed further.

(13) There exists a large variety **and long tradition** of voluntary activities throughout Europe which should be **protected** and developed further, **among other means by the creation of a cross-border network among the volunteering associations in the different Member States to provide a permanent platform for the exchange of experience and best practices.**

Amendment 12**Proposal for a decision
Recital 13 a (new)**

(13a) **The European Year of Volunteering should offer an opportunity to encourage the Member States to create legal certainty for volunteers as regards their legal status.**

Thursday 26 November 2009

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 13**Proposal for a decision
Recital 13 b (new)**

(13b) The EU has a significant role to play in promoting, developing and supporting voluntary activities throughout the Union. However, it is important to recognise and respect the diversity of volunteering within individual Member States.

Amendment 14**Proposal for a decision
Recital 14**

(14) Volunteering has the potential to contribute to the harmonious development of European societies. **Voluntary activities constitute a rich non-formal learning experience which enhances professional skills and competences, contributes to employability and a sense of solidarity, develops social skills, smoothes integration into society and fosters civic participation.**

(14) Volunteering has the potential to contribute to the harmonious development of European societies, **promoting social inclusion, social well-being, combating racism and prejudice and contributing to intercultural and inter-religious dialogue.**

Amendment 15**Proposal for a decision
Recital 14 a (new)**

(14a) Every individual should be enabled to volunteer. With a view to furthering individual development and participation, asylum seekers, refugees and legally resident immigrants should be increasingly enabled to play a role in volunteering activities, particularly when they are unable to be employed.

Amendment 16**Proposal for a decision
Recital 14 b (new)**

(14b) Voluntary activities constitute a rich non-formal learning experience which enhances professional skills and competences, contributes to employability by facilitating reintegration into the labour market, develops social skills and contributes to the personal growth and well-being of individuals.

Amendment 17**Proposal for a decision
Recital 14 c (new)**

(14c) Volunteering can contribute to fighting poverty and to achieving social and economic development, through actions carried out within the European Union and in third countries.

Thursday 26 November 2009

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 18**Proposal for a decision
Recital 14 d (new)**

(14d) As part of their strategy for Corporate Social Responsibility, employers could support and encourage volunteering activities.

Amendment 19**Proposal for a decision
Recital 15**

(15) Despite this, the potential of volunteering is still not fully realised. A European Year of Volunteering will provide the opportunity to demonstrate in a European context that volunteering increases civic participation. It can help foster a sense of belonging and commitment *of citizens* to their society at all levels — local, regional, national and European.

(15) Despite this, the potential of volunteering is still not fully realised. **Furthermore, at European level until now the work of those who volunteer in their free time has not been formally acknowledged.** A European Year of Volunteering will **therefore** provide the opportunity to demonstrate in a European context that volunteering increases civic participation. It can help **to** foster **among citizens** a sense of belonging and commitment to their society at all levels – local, regional, national and European – **and to encourage Member States to combat discrimination, making it possible for foreign residents, including asylum seekers, in every Member State to work as volunteers for not-for-profit organisations or to do unpaid work.**

Amendment 20**Proposal for a decision
Recital 15 a (new)**

(15a) Member States should be encouraged to minimise bureaucratic constraints which hinder volunteers in carrying out voluntary activities.

Amendment 21**Proposal for a decision
Recital 15 b (new)**

(15b) The European Year of Volunteering should highlight the key role played by voluntary activities, while at the same time reminding the Member States that it should be used neither as a means of meeting basic needs normally met by social services nor as a substitute for action by public authorities.

Amendment 22**Proposal for a decision
Recital 16**

(16) The Year 2011 will be the 10th Anniversary of the 2001 International Year of Volunteers of the United Nations.

(16) **5 December is International Volunteer Day and** the Year 2011 will be the 10th Anniversary of the 2001 International Year of Volunteers of the United Nations.

Thursday 26 November 2009

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 23**Proposal for a decision
Recital 16 a (new)**

(16a) Apart from its social role, volunteering has an economic value and makes a significant contribution to the economy.

Amendment 24**Proposal for a decision
Recital 16 b (new)**

(16b) Volunteering plays a major role in environmental and civil protection and its contribution must be recognised and supported in every field, especially within the new democracies of the EU.

Amendment 25**Proposal for a decision
Recital 16 c (new)**

(16c) The recognition of volunteering as an appropriate activity through which to acquire competences and skills, e.g. through YOUTHPASS with a linkage to EUROPASS, will ensure that volunteering is not seen as an alternative to formal training but as a complement to it, and furthermore will facilitate the mobility of volunteers.

Amendment 26**Proposal for a decision
Recital 16 d (new)**

(16d) The recognition of the contribution of volunteer time as matching funding (in-kind contributions) for European and national projects would be a tangible recognition of the value of volunteer effort and would facilitate voluntary organisations in carrying out their activities.

Amendment 27**Proposal for a decision
Article 1**

The year 2011 shall be designated as the 'European Year of **Volunteering**' (hereinafter referred to as 'the European Year').

The year 2011 shall be designated as the 'European Year of **Voluntary Activities promoting active citizenship**' (hereinafter referred to as 'the European Year').

(This amendment applies throughout the text.)

Thursday 26 November 2009

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 28**Proposal for a decision
Article 2 – paragraph 1**

The overall purpose of the European Year shall be to encourage and support — notably through the exchange of experience and good practices — the efforts of the Member States, local and regional authorities **and civil society** to create the conditions conducive to volunteering in the European Union.

The overall purpose of the European Year shall be to encourage and support — notably through the exchange of experience and good practices **and the promotion of innovative approaches and evaluating experience** — the efforts of **the European Union**, the Member States **and** local and regional authorities to create the conditions **for civil society** conducive to volunteering in the European Union **and to increase the visibility and promote the importance of voluntary activities in the European Union**.

Amendment 29**Proposal for a decision
Article 2 – paragraph 2 – point 1**

1. Work towards an enabling environment for volunteering in the EU - To anchor volunteering as part of promoting civic participation and people-to-people activities in an EU context.

1. Work towards an enabling environment for volunteering in the EU - To anchor volunteering as part of promoting civic participation, **partnership** and people-to-people activities in an EU context.

Amendment 30**Proposal for a decision
Article 2 – paragraph 2 – point 2**

2. Empower volunteer organisations and improve the quality of volunteering - To **facilitate** volunteering and **to encourage** networking, mobility, cooperation and synergies between volunteer organisations and other sectors in an EU context.

2. Empower volunteer organisations **with respect to their aims, priorities and autonomy** and improve the quality of volunteering - To **promote** volunteering and **volunteer organisations' access to adequate, sustainable funding: by encouraging** networking, mobility, cooperation and synergies between volunteer organisations and other **not-for-profit** sectors in an EU context; **by encouraging initiatives in human and environmental emergency situations, both in terms of preventing and dealing with them and by properly educating volunteers to deal with and effectively face urgent cases; and by making it possible to put voluntary work on a permanent footing. The duty of care that volunteer organisations owe to their volunteers should be laid down in law and should incorporate adequate protection through insurance, health and safety measures and training.**

Thursday 26 November 2009

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 31**Proposal for a decision****Article 2 – paragraph 2 – point 3**

3. Reward and recognise volunteering activities - To encourage appropriate incentives for individuals, companies and volunteer-development organisations and gain more systematic recognition for volunteering at EU level and in the Member States by policy makers, civil society organisations and employers for skills and competences developed through volunteering.

3. Reward and recognise volunteering activities - To encourage appropriate incentives for individuals, companies and volunteer-development organisations - **including proper health and safety cover for volunteers in the form of accident and personal liability insurance during periods of voluntary work, effective acknowledgement of the skills that volunteers acquire in the form of validation of experience and the recognition of equivalence for the purposes of training and job seeking** - and gain more systematic recognition for volunteering at EU level and in the Member States by policy makers, civil society organisations and employers for skills and competences developed through volunteering.

Amendment 32**Proposal for a decision****Article 2 – paragraph 2 – point 3 a (new)**

3a. Encourage international and European solidarity by promoting peace, North-South cooperation and the protection of the environment, as well as recognition of the solidarity-based social economy through volunteering.

Amendment 33**Proposal for a decision****Article 2 – paragraph 2 – point 4**

4. Raise awareness of the value and importance of volunteering - To raise general awareness of the importance of volunteering as an expression of civic participation which contributes to issues which are of common concern of all Member States, such as a harmonious societal development and economic cohesion.

4. Raise awareness of the value and importance of volunteering - To raise general awareness of the importance of volunteering as an expression of civic participation which contributes to issues which are of common concern of all Member States, such as a harmonious societal development and economic **and social** cohesion, **and to promote volunteering activities in order to make them more attractive for citizens, thus enabling them to be involved in civic activities.**

Amendment 34**Proposal for a decision****Article 2 – paragraph 2 – point 4 a (new)**

4a. Draw up a White Paper on Volunteering – To foster an enabling environment for volunteering in the EU.

Thursday 26 November 2009

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 35**Proposal for a decision****Article 2 – paragraph 2 – point 4 b (new)**

- 4b. Foster the recognition of volunteering success both within and between Member States in order to ensure that good practice and successful volunteering strategies can easily be spread throughout the European Union.**

Amendment 36**Proposal for a decision****Article 3 – paragraph 1**

1. The measures to be taken to achieve the objectives set out in Article 2 shall include the following initiatives organised at Community, national, regional or local level linked to the objectives of the European Year:

- exchange of experience and good practices;
- *dissemination of results of related studies and research;*
- conferences, events and initiatives to promote **debate and raise** awareness of the importance and value of volunteering and **to celebrate the efforts of volunteers;**
- information and promotion campaigns to disseminate key messages.

1. The measures to be taken to achieve the objectives set out in Article 2 shall include the following initiatives organised at Community, national, regional or local level linked to the objectives of the European Year:

- exchange of experience and good practices, **in particular by means of efficient systems of cooperation and networking between volunteer organisations;**
- conferences, events and initiatives to promote **dialogue, innovative approaches and the evaluation of experience. Raising** awareness of the importance and value of volunteering and **fostering transnational networks with the purpose of active debate;**
- information and promotion campaigns to disseminate key messages **inter alia through the use of new media and the internet and the creation of a European portal to achieve this;**
- **the establishment of a European online database of the actors, organisations and stakeholders involved in a given volunteering area, including both their completed and ongoing projects and also their future initiatives, with a view to better networking and communication between them.**
- **the promotion of the use of volunteer time as matching funding for European projects.**

Thursday 26 November 2009

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 37**Proposal for a decision
Article 4 – paragraph 2**

Each Member State shall ensure that the aforementioned body properly involves a wide range of stakeholders at national, regional and local level.

Each Member State shall ensure that the aforementioned body properly involves a wide range of stakeholders at national, regional and local level, **particularly when drafting the national work programme and national measure(s), for the entire duration of the European Year. The funds foreseen to fulfil the objectives of the Year shall be granted to civil society organisations involved directly with voluntary activities and work. Special attention must be paid in each national programme to the simplification of administrative procedures, inter alia by facilitating access to funding for small associations with limited resources.**

Amendment 38**Proposal for a decision
Article 5 – paragraph 4**

The Member States, the European Parliament, the European Economic and Social Committee and the Committee of the Regions will be associated in the activities.

The Member States, the European Parliament, the European Economic and Social Committee and the Committee of the Regions will be **closely** associated in the activities **in order to achieve the added value that an exchange of best practices at Community level, including between the EU institutions, entails.**

Amendment 39**Proposal for a decision
Article 7 – paragraph 1**

1. The budget for implementing this Decision for the period from 1 January 2011 to 31 December 2011 is **EUR 6 000 000**.

1. The budget for implementing this Decision for the period from 1 January 2011 to 31 December 2011 is **EUR 10 000 000**.

Amendment 40**Proposal for a decision
Article 7 – paragraph 2**

2. Annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework.

2. Annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework, **without undermining the funding of other programmes or activities in sub-heading 3b.**

Thursday 26 November 2009

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 41
Proposal for a decision
Article 8

For the purpose of the European Year, the Commission may cooperate with appropriate international organisations, in particular with the United Nations and the Council of Europe, taking care to ensure the visibility of the EU's participation.

For the purpose of the European Year, the Commission may cooperate with appropriate international organisations, in particular with the United Nations and the Council of Europe, taking care to ensure the visibility of the EU's participation, **and may also take action in order to stimulate other international organisations to enhance the volunteering dimension worldwide. In cooperation with these organisations, the Commission shall promote programmes for international volunteering aiming to encourage the exchange of best practices on volunteering in third countries.**

Amendment 42
Proposal for a decision
Article 9

The Commission together with the Member States shall ensure that the measures provided for in this Decision are consistent with other Community, national and regional schemes and initiatives that help attain the objectives of the European Year.

The Commission together with the Member States shall ensure that the measures provided for in this Decision are consistent with **and complementary to** other Community **programmes and actions and** national and regional schemes and initiatives that help attain the objectives of the European Year.

Amendment 43
Proposal for a decision
Annex – point A – point 1

1. Information and promotion campaigns including:

- high visibility events and forums for exchanging experience and good practices;

1. Information and promotion campaigns including:

- high visibility events and forums for exchanging experience and good practices, **with priority for twinning and mobility programmes, with the participation of European organisations or bodies active in the field of volunteering, representatives of employers' associations and unions, the European Parliament, the European Economic and Social Affairs Committee and the Committee of the Regions;**

- **contest with or without prizes;**

Thursday 26 November 2009

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

— cooperation with the private sector, broadcasters and other media as partners for disseminating information on the European Year *of Volunteering*;

— the production of material and tools for media available throughout the Community to stimulate public interest;

— measures to publicise the results and raise the profile of Community programmes; schemes and initiatives contributing to the objectives of the European Year *of Volunteering*;

— the establishment of an information website on Europa, including a portal for promoters of projects on volunteering, to guide them through the various Community programmes and initiatives.

— cooperation with the private sector, broadcasters and other media as partners for disseminating information on *voluntary activities and* the European Year;

— the production of material and tools for media available throughout the Community to stimulate public interest;

— measures to publicise the results and raise the profile of Community programmes; schemes and initiatives contributing to the objectives of the European Year;

— the establishment of an information website on Europa, including a portal for promoters of projects on volunteering, to guide them through the various Community programmes and initiatives, *which shall be a permanent platform for interactive cooperation between different stakeholders*;

— *action to make the contribution of voluntary activities to national revenue and its impact on society more visible through the inclusion of volunteering as a specific category in the statistical accounts of Eurostat and the production of 'satellite accounts' on not-for-profit organisations, in which unpaid voluntary work would be included, as well as through the celebration on 5 December each year of International Volunteering Day, as recognised by the United Nations since 1985.*

Amendment 44

Proposal for a decision

Annex – point A – point 2 – indent 1

— surveys and studies at Community level to assess and report on the preparation, effectiveness, impact and long-term monitoring *of the European Year of Volunteering*.

— surveys and studies at Community level to assess and report on the preparation, effectiveness *and* impact *of the European Year* and *to lay the foundations for the* long-term monitoring *and follow-up thereof*.

Thursday 26 November 2009

TEXT PROPOSED BY THE COMMISSION

AMENDMENT

Amendment 45**Proposal for a decision
Annex – point C – paragraph 1**

Each National *coordinator* shall submit a single application for Community funding. That grant application shall *describe* the *coordinator's* work programme or the *action* to be funded and promote the European Year. The grant application shall be accompanied by a detailed budget setting out the total costs of the *initiatives/work* programme proposed and the amount and sources of co-funding. The Community grant can cover up to 80 % of the total costs.

Each National *coordinating body* shall submit a single application for Community funding. That grant application shall *include a description - drawn up on the basis of ongoing consultation with the volunteer organisations - of the coordinating body's priorities and* work programme or the *action(s)* to be funded and *shall* promote the European Year. The grant application shall be accompanied by a detailed budget setting out the total costs of the *action(s)/work* programme proposed and the amount and sources of co-funding. The Community grant can cover up to 80 % of the total costs. *A possibility of in-kind contributions should be permitted in those Member States whose legislative framework permits it.*

Amendment 46**Proposal for a decision
Annex – point C – paragraph 2**

The Commission shall determine the indicative amounts available for grants to each National *coordinator* and the final deadline for submission of the applications. The criteria should take into account the population, the cost of living and a fixed amount per Member State to guarantee a minimum level of activities.

The Commission shall determine the indicative amounts available for grants to each National *coordinating body* and the final deadline for submission of the applications. The criteria should take into account the population, the cost of living and a fixed amount per Member State to guarantee a minimum level of activities.

Amendment 47**Proposal for a decision
Annex – point C – paragraph 4**

The work programmes/actions shall include:

- (a) Meetings and events connected with the objectives of the European Year, including national events to launch and promote the European Year, create a catalyst effect and provide open space for debate on concrete initiatives.
- (b) *Mutual learning* seminars at national, regional and local level;
- (c) Information, educational and promotional campaigns at national, regional and local level, *including the organisation of awards and competitions;*
- (d) Cooperation with the media.

The work programmes/actions shall include:

- (a) Meetings and events connected with the objectives of the European Year, including national events to launch and promote the European Year, create a catalyst effect and provide open space for debate on concrete initiatives.
- (b) *Conferences and thematic* seminars at national, regional and local level *allowing for peer-learning and exchange of good practices;*
- (c) Information, *research activities and related studies,* educational and promotional campaigns at national, regional and local level;
- (d) Cooperation with *the private and non-state sector and* the media *in disseminating information about the European Year and in undertaking actions aimed at long-term dialogue on issues related to volunteering and to vocational training activities directed at volunteers in order to render sustainable the activities even after the end of the 2011 European Year.*

Thursday 26 November 2009

EC/Ukraine agreement for scientific and technological cooperation *

P7_TA(2009)0095

European Parliament legislative resolution of 26 November 2009 on the proposal for a Council decision concerning the renewal of the Agreement for scientific and technological cooperation between the European Community and Ukraine (COM(2009)0182 – C7-0018/2009 – 2009/0062(CNS))

(2010/C 285 E/36)

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2009)0182),
 - having regard to Article 170, Article 300(2), first subparagraph, and Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0018/2009),
 - having regard to Rules 55, 46(1) and 90(8) of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy (A7-0074/2009),
1. Approves renewal of the agreement;
 2. Instructs its President to forward its position to the Council and the Commission, and to the governments and parliaments of the Member States and Ukraine.

Thursday 26 November 2009

Terms of Reference for the International Partnership for Energy Efficiency Cooperation (IPEEC) and the Memorandum concerning the hosting by the International Energy Agency of the Secretariat to the International Partnership for Energy Efficiency Cooperation *

P7_TA(2009)0096

European Parliament legislative resolution of 26 November 2009 on the proposal for a Council decision on the signing of the 'Terms of Reference for the International Partnership for Energy Efficiency Cooperation' (IPEEC) and the 'Memorandum concerning the hosting by the International Energy Agency of the Secretariat to the International Partnership for Energy Efficiency Cooperation' by the European Community (COM(2009)0438 – C7-0219/2009 – 2009/0119(CNS))

(2010/C 285 E/37)

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2009)0438),
 - having regard to Article 175(1), Article 300(2), first subparagraph, and Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0219/2009),
 - having regard to Rules 55, 90(8) and 46(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy (A7-0075/2009),
1. Approves the signing of the Terms of Reference and the Memorandum;
 2. Instructs its President to forward its position to the Council and the Commission, the governments and parliaments of the Member States, and the International Energy Agency.

Wednesday 25 November 2009

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Key to symbols used

- * Consultation procedure
- **I Cooperation procedure: first reading
- **II Cooperation procedure: second reading
- *** Assent procedure
- ***I Codecision procedure: first reading
- ***II Codecision procedure: second reading
- ***III Codecision procedure: third reading

(The type of procedure is determined by the legal basis proposed by the Commission.)

Political amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol ¶.

Technical corrections and adaptations by the services: new or replacement text is highlighted in italics and deletions are indicated by the symbol ||.

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